

JOURNALS
OF THE
Commons House of Assembly
OF
South Carolina
FOR 1702

Dar. Rm.
F272
S72
1702

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South Carolina (Colony) Assembly

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Edited by

A. S. SALLEY

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1702

January Wednesday y^e 7th: 1701/2

Mr: Speaker & Eight More of the Members mett according to the Adjournment:—

Thursday January the 8th: 1701/2.

The House mett:—

Present—/

Job Hows Esqr Speaker—

Nicholas Trott Esqr

Ralph Izard Esqr

William Smith Esqr

Capt: Thomas Smith

Mr: Robert Stevens

Mr: John Ashby

Mr: John Croskeys

Mr: James Witter

Mr: Thomas Elliott—/

A Mesnage from y^e uper House Requesting Two of the Memb^{rs}: of this house to Attend them.—

According Nicholas Trott & Ralph Izard Esqrs Attended y^e Uper House & Reports That the Govern^r: and uper House being Informed that there was Now a Suffitient Number of the Lower House to Adjourne; The Govern^r: tould them that the uper House Would Informe them by a Message Whether their House Should Adjourne or Whither or noe they Would Prorogue them—

According by a Message of y^e uper House by Coll Dearsly one of the Members of y^e Same this House was Informed that the uper House Would Adjourne till Next Wednesday the 14th: Instant.—

The House Adjourned to Wednesday

Next y^e. 14th: Instant.—

Wednesday Jan: the 14th: 1701

The House mett according to Adjournment—

Ordered that Coll: Tho: Broughton Nich: Trott Esq^e Mr Stan-
yarne W^m: Smith Esq^r: and Mr: Stevens do go of a Message
to y^e upper House and acquaint them that Several of the
Members of Our house are dissatisfyed and do doubt wither
or no we are a house by reason that A Sufficient Numbers of

Members did not meet on Wednesday last according to the adjournm^t: to Continue this house by a further adjournm^t: That if the upper house were of the Opinion that this house is Continued notwithstanding the failure of a Sufficient Number of the Members meeting as aforesaid that this house desires a meeting of the whole house with the Said Upper house to hear their Reasons And then y^t y^e Members of this house would withdraw to their own house to Consider of them and if this house were satisfied with their reasons that they would proceed upon buisness And if they were dissatisfied that they would pray a Conferance and give the reasons of their dissatisfaction: The Said Messuage being returned acquainted this house that the Upper House declared they would Send this house an Answer

A Messuage from the Upper house by Coll: George Dearsley a member of that house were of Opinion that this house was not dissolved and that they would give their reasons to morrow Morning/

The House Adjourned till to Morrow Morning Eight of the Clock/

Thursday Jan: y^e 15th: The House mett according to Adjournm^t:

A Message from the Upper house by Capt: Alex: Parris One of the Members of that house desireing that this house would attend their house to hear their reasons that this house is not dissolved.

This House attended their house accordingly—

The House returneing the Speaker recited the reasons of the Upper house why the not meeting according to the adjournm^t: did not worke a dissolution which were were these ffollowing Ffirst The Authority of the Lord Cooke in the fourth part of his Institutes Containeing y^e Jurrisdiction of Courts Chap:1.) of the high Court of Parliam^t: page 28 who Asserts that the Parliament Cannot End or be dissolved without the p^resence of the King either in P^rson or representation. Nehil oriton tam conveniens est Naturali aquitati, unumquodqr dissolvi legamine quo Logatum est

Therefore y^e house of Commons cannot dissolve them Selves by their non appearance att the day of Adjournm^t:

2)¹⁷ If any Courts Council body Poletick or Corporal appointed or Meeting at a day Certain & fail therein this Can Only discharge the Sutors from their Attendance till further Notice but Cannot Operate to a dissolution of that body or Society

If the Absenting of a Certain number on the day w^{ch} Numbr: is but a part of the Society or body Poletick could worke a Dissolution there would be but A few Antient Societies at this day It being Easy for designeing P^{ersons} to bring that to pass:/ If the Absenting of a Certain Number as above) The Commons of England would not with somuch Industry have struggled with the Court Ever since the long Parliam^t: (under which the Nation So long groaned in the reigne of Cha: y^e 2^d.) for a Trianiall Act the maine designe of that Act being to procure a dissolution before designeing Princes and their partyes should have to much P^{ersonall} Acquaintance with the Commons for reasons English Men are not Ignorant off—

If the absenting as above being but a part of the Comons could dissolve the Parliam^t: they must have greater Power then the King for he must do something to dissolve it but this is doing Just Nothing but Nothing Cannot Operate/

And Could it; we feare it would be to y^e worst End Possible Even to a Dissolution of the ffabrick and ffoundation So that in Our Oppinion nothing Could Ensee, but Anarchy or Arbitrary Govern^t./

If the Representative body of the Commons of England Should So degenerate as to act Counter to the true Interest off the Kingdome the People has no remedy but by Petition to the King to dissolve them that they may mend their Choice or waite untill the Trianial act does it

Uppon Dew Consideracon and Debateing of the above reasons and Authorityes by this house./

Resolved - - - Nemine contradicente./

That this House is Sattisfyed with the above reasons that they are not Desolved but may and will proceed uppon buissiness

Ordered that Nich: Trott W^m Smith Esq^r M^r Rob^t Steevens and M^r John Ashby attend the Upper house and—

Informe them that this house is Sattisfyed with their Reasons and are ready to proceed uppon buissiness/

A Message from the Upper house by Coll- Dearsley that there house should Adjourn till three of the Clock in the afternoon

and then should Consider of y^e now urgent affairs & advise accordingly—

The house Adjourn'd till three of the Clock this Afternoon/

The House mett according to Adjournm^t:—

Ordered that Coll:- Bull & M^r Whitter do Informe the Upper house that this house is Sett and wait their hon^{rs}: Comm^d: reported by The Sd Coll- Bull &c that they would Imeditly advise us—

A Message from the Upper house by M^r Noble one of the Members of S^d house who delivered the following Message./ Viz^t:

M^r Speak^r: & Gentlemen/

Wee Reffer to your Consideracons

That you Inquire into our Stores of Amunitions and that you take Care for what you find wanting.

That you Inquire into our ffortifications & Order what Additions may be Necessary:/

That you Inquire if money enough in the Treasury to do what is necessary to be done

That you regulate the Lyst of Juries

That you appoint Commiss^{rs}: for the highwayes in the Roome of Such as dead or absent, and that you think of a better way to make, and keep them in repair—

That you Consider of a way to remove the abuses done to the Yamasee Indians by them that live among and trade with them, and of makeing them Easie in Our Neighbourhood and friendship, So as that they may not have reason to return to y^e Spaniards

That you think of Some way to prevent y^e Tallabooses & other Indians now our friends their trade & acquaintance with y^e fFrench till some way may be found to secure us from the dangers & Mischiefs which that Trade & acquaintance will bring on us

That you think of Some way to Confirm y^e Cussatoes w^{ch} live on Ocha-Sa Creek & y^e Savannos in the Place they now live in, and to Our friendship they being the Only People by whom Wee may expect Advice of an Inland Invasion/

Ja: Moore—

Uppon the debate of the aboves^d: Order—

Ordered that Cap^t Tho: Smith and M^r ffenwick be a Committee

to make Inquiry what store of amunition are in the store and make Report thereof to Morrow morning to this house

Ordered that Mr Ellyott and Mr Whitter be a Committee to view the fortifications and make report thereof What Condicons the same are in to Morrow

Ordered that Capt: Tho: Smith Publick receiv^r do lay before this house his Acc^{ts}: to morrow morning

The house Adjourn'd till to Morrow morning nine aClock

Friday Jan: 16th: The house mett according to Adjournm^t:/

According to Yesterdays Order Cap^t: Tho: Smith: &c brought in y^e powder acc^t &c

Ordered that y^e sd acc^{ts} do ly on the table./

According to yesterdays Order the Public Receiv^r: brought in his acc^{ts}:

Ordered that the s^d: Act^s: do ly on the Table

Ordered that the Powder Receiv^r: lay his acc^{ts} before this house to day & that y^e Messinger of this house acquaint him thereof:/

According to Yestersday Order Mr W^m: Ellyott and Mr James Whitter presented to this house the Case of the fortifications that Some Care be taken as shall be thought fitt by this house to prevent the damages thereof by storms &c

Uppon Reading the Petition of Alex: Thesee Chataignier & John Gendron.

Ordered that this House go on y^e s^d: Petition to Morrow & that the Messinger of this house Informe the Asserors that be in Town to attend this house to Morrow Morning./

The House Entered Into debate of the other part of Yesterdays Messige from the Upper house

Ordered that Mr Rob^t: Steevens & Mr Rob^t ffenwick attend the Govern^r to request of him to lay before this house Militia lyst this house being Entered Into the debate of regulateing the lyst of y^e Jurrys

reported by the s^d: Rob^t: Steevens &c that his hon^r: would send them Emediately:/

The House is adjourn'd till three a Clock in the afternoon/

The House mett According to Adjournm^t—

Ordered that Cap^t Raynor have leave to depart this house being Indispossessed—

Ordered that y^e house proceed further on the Jury act to morrow morning—

The House is Adjourn'd till Eight a Clock to Morrow morning

Saturday January. y^e: 17th—

The House mett according to Adjournmt:

According to Yesterdays Order Upon reading the Petition of Alex: Thesee Chataignier & hearing the Reasons of George Logans Esq^r: & M^r Joseph Boone assors for their Ordering an action ag^t— them

Ordered that Coll- Tho: Broughton Ralph Izard Esqr & M^r ffenwick be a Commite to hear y^e s^d Chataignier &c can alleage And prove what is sett forth in y^e petition & report y^e same to this house

reported by y^e S^d Coll-: Broughton &c that the Said Chataignier &c proved w^t is Sett forth in their S^d petition/

Ordered that Coll-: Tho: Broughton Ralph Izard Esqr & M^r Robt. ffenwick

Attend the Govern^r & in the name of this house request him to Order the Attorney Gen^l— to Enter a Noli Prosequi in the Action ag^t the sd Chataignier & Jo.- Genderon

According to yesterdays Order the house proceeded on regulateing the Jury Act—

Ordered that Coll:- Tho: Broughton have leave to depart this house till Tuesday Morrning

Ordered that Ralph Izard Esqr prepare a Bill for Regulateing the Lyst of y^e Jury

Ordered that Ralph Izard Esqr M^r John Ashby & M^r Robt: ffenwick be a Committe to supervise the Public Receiv^{rs}: & y^e Powd^r Rece^{rs}. acct^s: & make report thereof to this House On Tuesday next

Ordered that Coll:- Stephen Bull Esqr & M^r James Whitter be a Committee to supervise the limited acts & see w^h is or near Expireing./

Ordered that the further debate of the Govern^{rs} speech be debated On Monday Morning next

The House is Adjourn'd till nine a Clock Monday Morning

Munday: January y^e 19th=

The House mett according to adjournm^t—

The House entering into the Debate of the Highway act that some Creeks to the Southward be made more navigable

Ordered that Wappoo Creek be new Cutt

That New Cutt Creek be made more navigable and also that Whatabbotts Cutt be made more passable and also that two New bridges be made over the two north branches of Stonoo River.

Ordered that Coll- Stephen Bull Esq Mr James Stanyarne Mr Gilbertson & Cap^t W^m Davis be a Committe to proportionate y^e Inhabitants of Colletton County for makeing the s^d Creeks & Bridges & Nominateing Comiss^{rs}: for makeing & building the same & report the same to this house to Morrow.—

Ordered that the Debate of y^e latter part of the Govern^{rs} speech be reffered till to Morrow morning

The House Is Adjourn'd till Nine a Clock to Morrow Morning

Tuesday Jan: 20 The House mett according to Adjournm^t

Nicholas Trott Esq^r a member of this house moveing this house that he might be heard In refferance to his being suspended from his places of Attorney Gen^l:- and Naval Officer by the late Govern^r & Council

Ordered that y^e sd Trott be heard upon the hearing thereof he haveing produc^t his Commissions for sd Offices & a record of his Suspension & it appeareing by s^d record that he was suspended for not prosecuteing the Cole & Bean Gally w^{ch} prosecution & Judgem^t: is since revers'd by the Lords Justices of England in Council

Ressolved Nemine Contradicenti that the Reasons in y^e sd Order of Council for his suspension are not sufficient

Ordered that y^e Govern^r & the rest of the Memb^{rs} of the upper house be address'd by this house that the s^d Trott be restored Restored to his s^d places of Attorney Gen^l:- & Navall Officer and that an Address be drawn Accordingly

The Govern^r & c haveing laid before this house an Order of Council dated the 23^d day of Decembr: 1701 In refferance to the Yamasee Traders

Ordered that the Govern^r be Addressed that Captⁿ Thos Nearn & the Yamasse Indian Traders be Imediately Sent for: & that

Mr Speaker In behalfe of this house do address the Govern^r: y^e s^d Traders be Imediately Sent for. and allso such yamasee Indians as he shall think necessary for ye better discovery of ye Traders behaviour

According to Yesterdays Order for debateing the latter part of the Govern^{rs} speech In Refferance to the Tallabooses & other Indians our friends

Ordered that the debate thereof be reffered till to Morrow and that Mr Speaker request the Govern^r to lay before this house w^t Informacon he has receiv^d from y^e Tallabooses & Couatau Traders in refferance to the dangers & Mischeiffs we ly under by y^e- Neighbourhood of the ffrench & Spaniards, & w^t Attempts they have made to draw the sd Indians to their Intrest and also to Informe this house of the Misdemean^{rs} of y^e sd Traders among ye sd Indians

Ordered that all Committes do attend the house att the time of the adjournm^t to morrow Morning./

The House is Adjourn'd till to Morrow morning nine a Clock

Wens^d: Ja: 21

The House mett according to adjournm^t—

Reported by Mr Speaker that the Govern^r: has Ordered Cap^t Neirn with the Yamasee Indian Traders &c. to be sent for: and also that after the Council hath perused such Informacon as he Received from the Tallabooses & other Indians he would lay the same before this house

According to Yeasterdays Order an address as followeth In relation to Nich: Trott Esq^r. being brought before this house Ordered that the sd addresse be Ingrossed & that Mr Speaker signe the same

South Carolina/

To the Hon^{ble}: James Moore Esq^r Govern^r and the rest of the Hon^{ble}: Memb^{rs}: of the Upper house./

May it please yo^r Hon^{rs}:

We the representatives of y^e people now mett att Charles Towne for the South West part of this Province haveing heard the Complaint of Nich: Trott Esq^r: a member of this house In refferance to his being Suspended from his Offices of Attorney Gen^l—: & Naval Officer of this Province and haveing perus'd an Attested

Coppy of the Record of that Suspension and it Appearing by the Same that y^e sd: Nich: Trott was Suspended his sd offices for not prosecuting the Cole & bean Gally (with other alligacons therein Inserted relateing to Edmd Bellinger Esq^r w^{ch} we humbly Conceive have no Refferance to his places) and whereas the prosecution and Decrees in the Court of Admiralty in Carolina being since reversed & declared null & void by order of the Lord Justices in England it is therefore with submission to yo^r: Hon^{rs}: y^e unanimous request and address of this house that the sd: Nich: Trott may be restored & reinvested in his sd offices of Attorney Gen^l—: & Navall officer of this Province./

Ordered that M^r Speaker wth the whole house present the above Address, and that m^r Speaker Signe y^e Same

Ordered that Coll—: Tho: Broughton & M^r ffenwick do move the Upper house that this house have Admittance to deliver the aforesd: Address

Reported by the sd Coll: Tho: Broughton &c that this house attend y^e Upper house wⁿ they please

Ordered that m^r. Speaker together wth the rest of the Memb^{rs} Attend the upper house accordingly

The House returneing and M^r Speaker reassumeing the Chair Informd y^e house that he had delivered the sd Address & his Hon^r Inform'd him that they would take it into their Consideracons: The House debateing the report of M^r Ellyott & M^r Whiter in refference to y^e ffortifications

Resolved that the reperacons & the further Security of y^e sd ffortifications be left to the Commisso^{rs}: for building the fortifications to repair & secure y^e Same

A Messige from the Upper house by Coll:- Rob^t Gibbs a member of that house haveing laid before to this house such Informacons and Letters as the Govern^r has rece^d: from the Southern Traders:—& also Informed this house that they had reffered the Consideracon of the Address till to Morrow they not being a full house

Ordered that y^e Debate of y^e Informacons & letters laid before this house by the Govern^r be reffered till to Morrow morning & that Notice be Given by the Messing^r: of this house that all Committes Attend y^e Service of the sd house./

The House is Adjourn'd till three of the Clock in y^e afternoon

In The afternoone the House Mett according to Adjournm^t—
 Coll- Stephen Bull and m^r. James Wither the Committe ap-
 poynted to Supervise y^e acts wth Limetations y^t are Expired and
 neare Expiring makes the following Report/

first That an Act To Appoynt a sworne measurer &c, Expired
 y^e: 5th of Decembr^r: 1698/

2^{ly} An Act for y^e Entry of Vessells Expired the 8th: of Oc-
 tober 1701/

3^{dly} An Act for Makeing and mending highwayes &c. Expired
 y^e 8th of October 1701 (if Limieted in its Selfe

4^{ly} An Act to Asscertaine Publick officers fees, Expired the 8th
 of october 1701/

5^{ly} An Act for Distroying unmarked Cattle/ Expired the 4th
 of ffebruary 1700/1

6^{ly} An Act to Prevent Marrin^{rs} and Seamen Runing into Debt,
 Expired the 8th of october 1701/

7^{ly} An Act Inhibitting the Tradeing wth Serv^{ts} & Slaves, Ex-
 pired the 16th of March 1700/1

8^{ly} An Act for Ascertaineing the Gauge of Barr^{ll}— and for
 Apoynting a Sworne Packer
 Expires the 1st: March 1702/

9 An Act for Registrinig births &c^{ta}: Expires ye first Ses-
 sions of Assembly after the 8th october Next

10^{ly} An Act to Raise a Publick Store of Powd^r— Expires the
 16th Novembr^r next

11^{ly} An Act for Regulateing Publick Houses &c/
 Expires the 26th august next/

Ordered That Coll- Stephen Bull & m^r J^a-Whitter Prepare a
 bill to Settle a Standard of weights and to Appoynt a Sworne
 measurer &c^a— and Present the same to this House

Coll- Stephen Bull m^r: James Gilbertson Cap^t w^m: Davis & m^r
 James Gilbertson, The Comittee Appoynted to Proportionate the
 Inhabittants of Colleton County for makeing Creeks and Bridges
 and Nominating Commission^{rs}—for makeing and Building the
 same, Reports (as followeth)

That all the male Inhabittants of the Lady Blakes, Plantation
 Inclusive are for the Cutting of Wappoo Creke wth the Inhab-
 ittants on the north Side of Stonoe River wth the Two Northern
 Branches and as farr as the Plantation of Henry ffenden In-
 clusive and upon the South Side of Stono River from the Plan-

tation of Thomas Jones Inclusive wth all the Inhabittants Liveing on Creekes Runing into Stono River unto the Plantation of Joseph Tatnell Inclusive and that James Stanyarne W^m- Elliott John Beamer & Tho: Elliott be Com^{rs}==

And that ye Inhabittants, Liveing on Both sides of Wadmalaw River, from the Plantations of Doct^r- James Williams and James Gilbertson Inclusive & to y^e Plantation of m^r Tho: Stanyarne/ on Bohikett Creeke Inclusive, wth all the Inhabittants on Ladenwaw, and Toobedo Creeke wth the Plantations of John Ash Esq^r & Joseph Boone wth all the Inhabittants on both Sides of Puespau River, wth all the Inhabittants on the north side of Edistoe Island from the Plantation of Cap^t: John Hamilton Inclusive to y^e Plantation of James Cochran Inclusive are to Cutt y^e Creke Called the New Cutt Creke/and that Robert Seabrooke Doct^r- James Williams James Gilbertson Cap^t John Hamilton be Comisson^{rs}—

And yt all the Male Inhabittants Liveing on the south side of Edistoh Island from the Plantacon of Thomas Daw Inclusive To the Plantacon of Farmer Fripp. Inclusive Together wth all y^e: Inhabittants that Lives to the Southwards of Walter Abbotts, Cutt. To Cutt the s^d Cutt and that William Edwards, Jn^o Seabrooke John Whittmarsh be Commission^{rs}/

The House Adjourned Till Nine a Clock Tomorrow Morning./

Thursday Jan 22: The House mett according to Adjournm^t./ According to Yesterdays Order the House Ordered that the Letters & informacons Concerning the Indian Traders be read: Uppon Reading the above sd Letters Concerning y^e Indian Traders &c

Ordered that the debate thereof be Reffer'd till the afternoone./ Ordered that M^r Ellyott have leave to depart from y^e Service of y^e house till to Morrow morning/

The Hous Adjourn'd till three A Clock In y^e afternoon

The House Mett according to Adjournm^t:

According to y^e morning Order the House Entered into the Debate of the Letters Concerning the Indian Traders/

Uppon the sd: Debate Resolv'd that y^e sd Trade be regulated & that this house will hear & Consider such proposalls as shall be Offered to this House from any P^{erson} Or P^{ersons} that will ffarme y^e same/

Ordered that the further Debate thereof be reffer'd till Tuesday Morning next

Uppon Reading the Petition of Joseph Ellicott Ordered that the s^d: Joseph Ellicott attend the House to Morrow Morning./ & that the Messenger of this House Acquaint all the Assers that are in Charles Town to attend att the same time.

Uppon Reading the Petition of Eliz. Thomas

Ordered that M^r ffenwick & Cap^t Tho: Smith Inquire Into the Curcumstances of y^e s^d: Eliz: Thomas & report the Same

Uppon Reading the Petitions of Francis fiddling & Dove Williamson Ordered that the Consideracons thereof be reffered till a Bill be brought in

Uppon Reading the Petition of John Vanderhost Ordered that Coll- Stephen Bull & M^r Rob^t Steevens be A Committee to view the bridge in y^e s^d petition Sett forth & report the same on Munday next

The House is Adjourn'd till Nine A Clock./

Fryday January the 23^d 1701/2/

The House Mett according to Adjournm^t=

A Message from y^e upper House by Alexander Parris Esq^r: in answer to y^e address of this House, to y House for Restoreing y^e s^d Nicholas Trott Esq^r to his offices of Att^y- Generall & Navall officer which is as followeth/

Vper House

M^r Speaker and Gent^t:

The House haveing Considered yo^r- Address on behalfe of m^r Trott being very willing to oblige & Give full Satisfaction to y^e Hono^{ble} House of Commons, in all their Reasonable Request and Being Inclinaire y^t m^r Trott should be Restored to his offices in yo^r- s^d address mentioned, will Speedyly Consider of ways & Means of Doeing it.

According to yesterdays Ord^s Joseph Ellicott Attended this House/ upon Debate of y^e matt^r of y^e s^d= Joseph Elicotts Petition he confessing his Default The Question is Putt, Whether The s^d Ellicott shall pay all his fine or Less (Carried y^t he pay Less)

The Question is allso putt whether y^t part of y^e s^d fine that belongs to the Country shall be Remitted him or not/ Caried in the Affirmative

Resolved that that Part of y^e fine w^{ch}- Belongs to the Publick be Remitted y^e s^d Joseph Ellicott./

Ordrd= that Coll Stephen Bull & m^r Jn^o: Ashby in the Behalfe of y^e- house do address The Govern^r- and uper House to Concurr wth this House in Remitting y^t Part of Joseph Ellicotts fine which Belongs to the Publick./

The Above members Reports that y^e Govern^r and upper House would Consider of y^e s^d Messag^s/

Vpon Reading y^e answer from y^e uper House to y^e address of this House Relateing to Restoreing Nicholas Trott Esq^r= to his offices of Att^{ry} Generall and Navall officer./

Ordered That An Address be Immediately drawn to y^e Governor & uper House for y^e s^d Trotts Imediate Restoration to his s^d: offices./ And y^e House Agreed to the following forme of an adress/

To y^e Hon^{ble}- James Moore Esq^r: Govern^r: and y^e Rest of y^e honoble Members of the uper House

May it Please yo^r Hono^{rs}=

We the Comons Assembled haveing Rec^d yo^r. Hono^{rs}- favourable Answer to our address Relateing to m^r Trotts being Restored to his offices of Attorney Generall and Navall officer of this province, Wee are Very Glad y^t. yo^r Hon^{rs}: are Enclined to Give full Satisfaction to us in y^t affare, But we Take Liberty to Lay before yo^r Hono^{rs}- y^t we are Surprized y^t an Effectuall ord^r is not allready past for y^e s^d M^r Trotts Restoracon, And therefore we do againe Humbly Request yo^r Hono^{rs} y^t you would be pleased to Give yo^r ord^s for y^e s^d m^r: Trotts Imediate Restoration to his s^d offices of Attorney Generall and Navall officer of this province

And as to y^e Navall office we humbly Request y^t the Hon^{ble}= y^e Govern^r- would be pleased to Give his Imediate ord^r- to Thomas Broughton Esq^r: Collector of his Majesties Customes and his Deputy y^t they do not Receive y^e Entries of any Vessells in ward bound to this Province nor Give them Permitts to unload till they have made their Entries and Reports to the s^d m^r Trott as Navall officer, As Allso his ord^s to the Secretarie of this Province or his Deputie not to Give any Ship or Vessell their Cleareings outward Bound Till they have Produced Their Clearings from y^e s^d. Nicholas Trott as Navall officer

Ordrd: That the above Address be Ingrossed by y^e Clerke, And

that the same be Presented to the Governor & uper House this afternoone/

According to yesterdays ord^r m^r Robert Fenwick Reports to this House y^t Elizabeth Thomas is Verry Sick, and not Capable of helping her, Selfe and in Necessity./

upon The Debate Thereof, ordrd that Care be Taken y^t the Necessities of y^e s^d Elizabeth Thomas be Supplied./

An additionall Bill to Provide Indifferen Jury men in all Causes Civill & Criminall Brought into the House by Nicholas Trott Esqr Read the first time & past wth amendm^{ts}—

The House Adjourned Till Three a Clock in the afternoone/

In the afternoone, The House Mett According To Adjournm^t: M^r: William Wells a member of this house haveing not Attended y^e Service of the Same this Sitting./

Ordrd: That the messenger of this House Go forth with Sumons m^r William Wells a member of this house to give his Reasons for his So Long neglecting & absenting him Selfe from the Service of this house, And y^t m^r Speaker Signe this ord^r—

M^r Rob^t Fenwick haveing Informed this House y^t he acquainted Elizabeth Thomas wth— y^e ord^r of this House, for her Relife, She Returnes this House her humble Thanks, And Humbly prays that She may be Sent of/

The Question is putt where y^e s^d Elizabeth Thomas and her Child Shall have their passage paid & be sent sent off,—Carried in the affirmative

ordrd that Nicholas Trott Esq^r and m^r Rob^t Fenwick do Treat wth Cap^t Mallachi about their Passages & Report y^e Same to this House/

Preposialls being made to this House of y^e Inconventness of the Late Balloting box for Juries, Ordrd: that m^r Rob^t Stevens a member of this Do Give his Directions, According to his owne Proposialls for y^e makeing, a more Convenient Balloting Box for Drawing of y^e names of Juro^{rs}:/

According to y^e order of y^e forenoone y^e Adress to y^e Govern^r and y^e Rest of y^e Members of y^e uper house was Ingrossed, And being Read, ordrd that M^r Speaker Signe the Same,

The Question is Putt whether m^r: Speaker wth y^e attendance of y^e whole House Present y^e said Adress to y^e uper house, or not/

Carried y^t m^r Speaker present y^e Same wth y^e attendance of y^e whole house/

Ordered y^t m^r Rob^t Stevens & m^r John Crosskeys do movè y^e uper House that their House have access to their honors to Deliver y^e aforesaid address/.

Reported by s^d M^r Rob^t Stevens & m^r John Crosskeys y^t the Govern^r & uper House would Consider of y^e said message Read y^e Humble Petition of severall merchants and other Inhabittants in Charles Towne in Reference to building a Bridge, Att the halfe moone and Rejected/

Henry Noble Esq^r A member of y^e uper house Delivered this house the following Answer to the message Sent them by m^r Rob^t Stevens & m^r John Crosskeys this Afternoone/

In The upper House/

M^r Speaker and Gen^t:

The Request of y^e Lower House to Come into y^e uper house to Confer wth that House about matters not knowne to that house first, we believe not according to usuage of Parliaments, we therefore Desire to know what you would Come about, and will advise about yo^r Request when we know the Subject Matter thereof Ja, Moore

Ordrd: That an Answer be Drawne to the above Message, accordingly y^e following answer was Drawn and Ingrossed, To The Hono^{ble}= James Moore Esq^r Gover^{nr}- And the Rest of y^e Honoble Memb^{rs}- of y^e Vper House/

May it Please Yo^r- Hono^{rs}:

By yo^r- Hono^{rs}: message in Writeing by Henry LeNoble Esq^r a member of yo^r- House, we Believe that yo^r- Hono^{rs} mistooke our Last Message by m^r Rob^t Stevens and m^r John Crosskeys members of our House, for we did not Request to Conferr wth yo^r- Hono^{rs}.; But only that the Speaker wth the whole House might have access to yo^r Hono^{rs}:- which is our undoubted Right, and is one of those fundamentall Rights which our Speaker Claimes on Behalfe of y^e House upon his presentment, And therefore pray yo^r Hono^{rs}: y^t y^e Speaker and y^e Rest of y^e members may now have access, to yo^r- Hono^{rs} to Deliver an Address of this House,/

Ordered y^t m^r Speaker Signe the above address, And y^t Cap^t Thomas Smith & Coll- Tho: Broughton Present y^e Same to the upper House/

Rob^t Gibbes Esq^r a member of y^e uper House Delivered y^e. following message to this House in Answer to their Last address/ (Vizt)

In y^e uper House

M^r Speaker and Gent^m/

Wee did not mistake yo^r message m^r Stevens deliv^d= to this House which was the following words (Vizt) That he was Comanded by yo^r House to Desire y^t M^r Speaker and yo^r House might be admitted to Come into our house Immediately, he did not Say to address or for what but since you are Pleased to tell us it is to Present to us An address, (That not Requireing an Imediate Answer,) we are now Ready to admitt you to bring to us that address/

Ja : Moore./

Ordered y^t m^r Speaker to Gether wth y^e Rest of y^e members attend the uper House accordingly,

The House Returning and m^r Speaker Reasumeing the Chaire, Informed the House That he had Deliver'd y^e s^d Address And his Hono^r Informed him y^t they would Take it into their Considerations. But y^t this House Could not Reasonably Expect an Answer of y^e Same this night,

The House adjourned Till Tomorrow Morning Nine of y^e Clock

Saturday Morning Jan^{ry}: 24th/

The House mett according according to Adjournm^t:

Ordrd That m^r Rob^t Stevens & m^r Jn^o Ashby Doe Attend y^e Governo^r and uper house and acquaint them y^t if their Hono^{rs}- had Done wth the Examination of y^e Yamase Indjans they would send them to this House this House being Ready to Receive them and that they would please to Send this House y^e minutes of y^e Examination of y^e s^d Indjans, taken by them

Reported by y^e s^d- membr^s that y^e Governo^r- and Upper house would have done wth y^e Examination of y^e s^d Indjans in a Quarter of an hour, And then they would Send them to this House wth the minutes of y^e Same, which they Tooke to that End, George Dearsly Esq^r a member of y^e upper House presented to this House y^e minutes taken by y^e uper House Relateing to Examination of y^e Yama^a:see Indjans/

The House Entred upon y^e Examination of y^e abuses done to y^e Yama See Indjans by the Indjan Traders

Ordered That the Debate of y^e s^d matter be Referred Till the afternoone./

According to An ord^r of this House Mr Rob^t Fenwick haveing Discoursed wth Cap^t Mallica about y^e Passages of Eliz: Thomas and her Child,

Reports That The s^d Cap^t Mallaci will Take no Less then 18£: for their Passages,

Ordered y^t The Debate on the s^d Report be Defered Till Tuesday next./

The House Adjourned Till 3 of the Clock in y^e afternoone/

In The Afternoone The House Mett according to Adjourn^{mt}=
The House Entred into Examination of the Indjan Traders/
Ordrd: That the Debate of y^e Infermations Laid before this house by y^e Yamase Traders and Indjans, be Referred Till Monday next.

Ordrd= y^t m^r: Speaker wth Three members of this House Do Request y^e Governo^r that he Do take Such Speedy and Effectuall Care for Takeing Secureing and bringing Down Joshua Binan to Charles Towne to Answer y^e Complaynts of of Severall Yannasee Indjans, and Indjan Traders, as to his Honor Shall Seeme Meek/

The House adjourned Till munday Morning Nine a Clock/

January Munday the 26th: 1701/2

The House Mett According to Adjourn^{mt}=

According To Saturdays ord^r m^r: Speaker wth 3 membr^{rs}- of this House, Acquainted y^e Governo^r wth y^e Request of this House/
And Reports y^t the Governo^r will send up to y^e: Ta: la: Boo: ses to Apprehend the s^d Binan if this house have any apprehension of his Escapeing from Justice, And will ord^r: the Charge there of out of the Publick./

Resolved That The Honob^{le}- the Governo^r- be Requested to Take Such Speedy & Effectuall Care for the Immediate Apprehending The Body of the s^d Joshua Brinan, And him Soe Taken Cause to be Safely Kept, Till he shall from thence be Delivered by Due Course of Law, he haveing Comitted Severall Abuses to our neighbour and frindly Indjans y^e Ja: ma: Sees and wth all Conteintiously Disobeyed the ord^r: of this Govern^{mt}=

Ordered that Coll Tho: Broughton & Cap^t W^m Davis do in behalf of this house Address y^e Govern^r to apprehend y^e sd Josuah Brian according to y^e above resolution & that M^r Speaker signe y^e same

Ordered That Cap^t Thomas Smith Publick Receiver Do Pay out of the Publick money To Peter Painter now Gunner of the fort y^e Sum of five Pounds Every 3: months Dureing the time he shall Continue in the s^d. office of Gunner for his care & dilligence in performance of y^e same./ And that this ord^r be Sent to the upper house for their Concurrence And that m^r: Speaker Signe the Same

A Bill to Revive the Severall Acts w^{thin} menti—

Read y^e first Time & past wth amendm^{ts}=

An Answer from y^e. Governo^r: And Deptys by Sr Nathaniell Johnson, in answer to y^e addresses of this House Relateing to y^e Restoreing Nicholas Trott Esq^r: to his offices of Attorney Generall & Naval officer./

which is as followeth,

Att the Council Board in Charles Towne, Jan^{ry} 24th 1701/2
Present The Hono^{ble}— the Governo^r:

Esq ^{rs} :	{ Edmund Bellinger Rob ^t Daniell Robert Gibbes Henry Noble	} Deputies
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Whereas Nicho- Trott Esq^r was by y^e R^t Hono^{ble}— y^e Pall.— & y^e Rest of y^e true & Absolute Lords & Prop^{rs} of y^e Province of Carolina Comissionated Constituted, Nominated & Apoynted Att^{ry} Gene^l= & Navall officer of all y^t part of y^e ¶vince of Carolina y^t Lyeth South & west of Cape ffeare as by their Comissions beareing Date the 5th Day of february in y^e yeare of our Lord 1697/ To y^e s^d Nich^o: Trott for y^e s^d offices Referance thereunto being had more fully will Apppeare, And whereas y^e s^d Nicholas Trott was by the Hono^{ble}— Joseph Blake Esq^r Late Governo^r: Since Deceased, And the Rest of y^e Hono^{ble}—: y^e Lords Prop^{rs}: Deputies then mett in Councill Suspended from y^e afores^d offices of Att^{ry} Generall & Navall Officer for Reasons in an ord^r of Suspension mentioned, which Suspension & Reasons for y^e Same Were referred to y^e Consideration of y^e Pallatine & Prop^{rs}— afores^d: for y^r Confirmation & approbation or otherwise as to their wisdomes should Seeme meete, to w^{ch}- Order of Suspention as aforesaid their Lordships being Buise as we have Reason to beleive in more weighty matters of State, or in their Private and more Imediate affaires have omitted to Give their approbacon or Discent And whereas y^e Hono^{ble}- the House

of Commons now Assembled have Unanimously addressed the Hon^{ble} = y^e upper House to Re-Store the s^d Nicholas Trott to the afores^d offices which Address hath beene Considered off in y^e Councill whereupon it is ordered That y^e s^d Nich-: Trott be restored, And y^e s^d- Nich-: Trott is hereby Restored to his afores^d-: offices of Attorney Generall & Navall officer And made Capable to take & Receive All Such Salleries fees & ¶quesites which Shall accreue & become Due To y^e s^d-: offices And Henry Wigington Esq^r: Late Attorney Generall and John Buckley Esq^r: Late Navall officer are hereby Comanded to surcease the Execucon of the said offices And to Render & deliver to the said Nicholas Trott All papers Records Registers & writeings whatsoever to the said offices or either of them belonging./

A True Coppy of y^e Records Taken out of Councill Book
Examined ¶ me Nath- Johnson: /

According to Saturdays ord^r: ye House Entred into Debate of y^e Informations Laid before them by y^e Yamassee Traders and Indjans./

Resolved That William Greene Pay y^e Vallue of y^e Cannooe he forceably Tooke away from one of y^e Indjans belonging to Aratomaha, or Returne y^e Same in good Condition/

That John Seabrooke pay to Okala and his men 12 Hatchets or the Vallue there of for Building his house

That assendo a Yamasee Indjan be Paid for a Cannoe Taken from him by John Henry and Joshua Brinan, Suposed to be for the use of y^e Late Governo^r Blake./ Deceased./

That Daniell Callahane Give Satisfaction to Hoos:Pau for two Gunns he forceably Tooke from an Indjan Widdow, of his Towne, to be delivered to the said Widdow.

That William Page Make full Satisfaction to the old Ewhaw of y^e Hoos Pau Towne for a Gunn he forceably tooke from him

That John Roe Pay asendo, for 5 Skinns he owes said Assendo/

That Joshua Brinan make full Satisfaction to Po:ka: Sa:ba's Son for Killing his hoggs and allso, for Burning a House in s^d Towne in which was Poud^r and Corne & c^{ta}/ And allso y^t the s^d Brinan Pay Phillip for his worke in Rowing his Cannow and for throwing y^e s^d Phillips Goods over Board And further that y^e s^d Binan Pay Tho:ma:sa for the six Hoggs, Chest, and Goods he forceably tooke from him/

Ordered That the Hon^{ble}—: the Governo^r— be Requested to Im: Power Capt Tho: Nearne or what other Person he shall think fitt, to see full Satisfaction made by y^e severall persons to y^e Severall Yamasee Indjans as by a Resolution of this House is appoynted

Ordered y^t Cap^t W^m: Davis and m^r James Whitter do Request y^e Honoble y^e Governo^r, in Behalfe of this House to Putt in Execution wth all Possible Speed y^e Request and Resolution of this House/ Ordrd y^t M^r Speaker Signe the said ord^r.

The House adjourned Till 3 of y^e Clock in y^e after Noone/

In y^e afternoone, The House Mett According to Adjournm^t.

A Bill to Provide Indifferent Jurymen &c^{ta} wth y^e Lists Annexed Read y^e Second time & past wth Amendm^{ts}=

The House Adjourned till 9 a Clock to morrow Morning./

Tuesday the 27th 1701/2 The House mett according to Adjournment/

Ordered y^t m^r John Crosskeys have Leve to Depart y^e service of y^e same. Till to Morrow morning./

According to Last Saturdays Ord^r The House Entred into the Debate of y^e matter Relateing to Elizabeth Thomas,

Resolved y^t the said Elizabeth Thomas wth her Child and neece, be sent of this Province by the first Convenience to England at the Charge of the Publick And y^t This order be Sent to the upper House for their Concurrence./

Order y^t m^r John Cattle have Leave to Depart y^e service of this House Till fryday morning

Ordered y^t m^r William Baker Attend y^e Service of this House to morrow morning and Give his Reasons for His soe Long Absence from y^e Service of y^e same/ And y^t m^r Speaker Signe y^e Same.

Ordered y^t m^r: William White Attend y^e. Service of this House Tomorrow, And give his Reasons for his so Long Absenting the Service of y^e Same And y^t m^r Speaker Signe the Same

M^r W^m: Baker Giveing his Attendance to this House and Giving his Reasons for his So Long Absence from y^e Service of the Same./

Upon y^e. Debate thereof/ Resolved that the s^d Reasons be a Suffient for his Excuse./

According to Last Thursdays order the House Entered in Debate, of y^e matter Relateing to Receiveing Proposialls from any P^{erson} for farming the Indjan Trade,

upon which Coll.- Thomas Broughton A Member of this House Presented y^e. following Proposialls to this House for their Consideration./ Vizt,

Proposialls for farming y^e Indjan Trade by Tho: Broughton/
To Pay [break] P^{er} Annum into the Public Treasury

To pay 20 men And Horse, in Armes to be placed at such places as Shall be thought most Convenient, for y^e secureity of y^e Country

The Trade to be Extended as farr Southward & westward as y^e same may be done with safety,/

To the Northward as farr as Sax:a: Pah River

Consent to be Oblidged to manage y^e tradè as by act of Parliament shall be Provided, und^r y^e Penalty of being outed of it, The House Entring into Debat upon the s^d P^{ro}posalls

Ordrd: that the further Debate of y^e same, be Referd Till tomorrow morning And y^t this House, will here and Consider such further Proposalls as shall be offered to this House from any P^{ersons}, y^t will form y^e same or otherwaies/

A Message from y^e uper House by Edmund Bellinger Esq^r: as followeth/

M^r Speaker and Gent/

This House Thinks fitt to Recomend to yo^r- Consideration to Prevent the Monoplise of negroes Imported which you may Do by a Parragraph in Some Bill, und^r yo^r- Consideration

Ja: Moore

Ordered That A Bill be Prepared accordingly

The House Adjourned Till Three of the Clock in y^e afternoone/

In the Afternoone The House Mett according To Adjournment, as P^{er} new Journall Beginning y^e 27th Instant, Appears,

Tuesday

In The Afternoone, Jan^{ry} y^e 27th 1701/2

The House mett According To Adjournm^t=

A Bill to Revive y^e Severall Acts wthin Mentiond Read y^e Second Time and Past wth Amendm^{ts}

A Bill to Prevent Abuses by false weights & measures & to ap-
 poynt a Sworne measurer/ Read y^e first Time and Past With
 amendments,

The House Entring into Debate what Vallue Royalls shall be
 Raised To

Resolved y^t Royalls shall not be Raised, And that a Clause be
 Aded in The Bill to Preven abuses by false weights and measures
 That no Person, in any one payment, pay more then one Quarter
 of y^e same in Gold

The House adjourn'd till morrow morning nine of ye Clock.

Wednesday Jan: 28th: The House mett according to Adjournm^t:
 A Bill to prevent y^e monopolizing of Negroes imported into this
 province Read the first time & past with Amendm^{ts}:/

Upon Reading the Petition of Jo: Lawrence Ordered that the
 sd Jo: Lawrence name be Inserted in the Bill to prevent abuses
 by false Weights & measures &c

According to Yesterdays Order the House Entered into y^e De-
 bate off the Indian Trade

Ordered that the debate thereof be reffered till to Morrow morn-
 ing

Ordered that the Journall of this house be fairly transcribed
 Every night by the Clerk of this house & be read Every Morn-
 ing & attested by him as a true Coppy:/

Ordered that Job: Howes M^r Nich: Trott Ralph Izard Stephen
 Bull W^m Smith Esq^{rs}: Cap^t Tho: Smith & M^r ffenwick or any
 four of them Supervise all the Acts of Assembly & such Acts as
 they shall think necessary to be new drawn shall give such
 Orders therein to M^r Nich: Trott for drawing the same against
 the next Sessions.

M^r William white a member of this house giving his attendance
 here this day and offering his Reasons for his so Long absence
 upon ye debate thereof Resolved yt his Reasons be sufficient for
 his excuse

The House is Adjourn'd till Nine A Clock to Morrow morn-
 ing./

Thursday Jan: 29: The House mett according to Adjourn^t
 Ordered that y^e Bill to revive the severall Acts within mencond
 be Ingrossed

Ordered that the Additional Bill to provide Indifferent Jury-men &c be Ingrossed.

according to ye order of ye Day ye house entered into ye debate of ye proposalls to regulate ye Indian trade

upon ye debate thereof

the Question is whether ye Indian trade shall be farm'd with Limitation or not

Carry'd in ye negative

the question is whether the Indian trade shall be managed by Commiss^{nrs}: for ye use of ye publick Excluding all others

Carry'd in ye negative

order^d that the further Debate for Regulateng the Indian Trade be Reffer'd till the afternoon

Upon reading the Petition of David Riz

Ordered that y^e sd petition be rejected—

Uppon Reading the Petition of George Dearsley Esq^r

Ordered that the Sd George Dearsly Esq^r. have leave to bring in a Bill persuant to his said petition/

Uppon Reading the Petition of Edward Weekly

Ordered that a Bill be brought in accordingly

The House is adjourn'd till three of the Clock In the after-noone/

In The afternoone The House mett according to Adjournm^t:

An Additionall Bill for mending High Wayes &^{etc}: Read the first Time and Past wth amendm^{ts}

A Bill to Enable Georg Dearsley Esq^r y^e only Surviveing Exe-cuto^r- of Humphry Primate Late of this Province Merch^t Deceased, to Sell & aliene all and Singular y^e Lands Tenements and Hereditam^{ts} of which the s^d Humphry Dyed Seized and Possessed, Read y^e first Time & past wth amendm^{ts}=

A Bill to: Enable Edward Weekely & Elizabeth his wife to sell halfe a Towne Lott belonging to William Dry, Infant Brought into this House

upon Debate of y^e s^d Bill,

Ordered That the s^d Bill be Rejected./

According to y^e ord^r of this Morning the House Entered into the further Debate for Regulateing y^e Indjan Trade.

Vpon Debate thereof Resolved,

That a Bill be Prepared against next Sitting Wherein provision be taken that Indjan Traders shall pay for Lycences and that a Clause be added to send a Commissary or two to the Southward and that there be a perticular Care Taken of y^e Yamasees, And also that there be P^rvision in y^e s^d act Concerning all Debts of y^e Indjans—

According to An ord^r of this House to Sumon m^r W^m. Wells a member of this House, to give his Attendance &c y^e messing^r of this House, Reports y^t y^e hath served y^e s^d ord^r. on y^e s^d Wells, And y^t he Will Attend y^e Service of this House to Morrow, according to the s^d ord^r—

A Bill to Prevent abuses by false weight and Measures Read y^e 2^d Time & Past with amendm^{ts}

Ordrd= That W^m: Smith Esq^r and m^r Rob^t Fenwick be a Comittee to fix and Ascertaine a Standrd= of avverdupoise and Troy weights and make Report thereof; to this House/

Ordrd: that a Bill be Prepared that Every member of Assembly be paid the Sum of for Every day he sits in y^e Assembly

The House Adjourned Till 3 of y^e Clock to morrow in y^e afternoone

Fryday, Jan^{ry} y^e 30th In y^e afternoon

The House mett according to Adjournm^t

An Adjtionall Bill for makeing and mending High Wayes and pathes and for Cutting of Creeks & Watter Courses Read y^e Second Time & past wth= Amendments./

A Bill To Enable George Dearsley Esq^r to Sell and Aliene the Reale Estate of Humphrey Primate Deceased Read the second Time and Past wth Amendments./

upon y^e reading of y^e petition of y^e inhabitants of Biggin Creek Requesting y^e creek may not be cutt.

ordered yt m^r Speaker informe y^e commissnes for cutting y^e sd creek yt they proceed not to summons y^e neighbour inhabitants to worke upon y^e same till they have further orders from this House; this House Resolving y^e next sitting to take into their consideration

upon reading y^e account of Capt John Collins in Reference to fetching y^e Yamase Indjans and Indjan Traders to Towne and Expences on them in Towne./ Amounting to 4[£]=7=11½

Ordrd: That The Publick Rec^r— Do: Pay out of the Publick money to Capt John Collins y^e said Sum of four Pounds Seven Shillings & one Penny Halfe Penny And That This ord^r be Sent to the uper House for y^r Concurrence, And That m^r. Speaker Signe the Same/

Ordrd: That The Clerke of this House Do Ingroose An additionall Bill for Mending High ways

Ordrd= that the Clerke Do Ingroose a Bill to Enable Georg Dearsley to sell and Aliene y^e Lands of Humphry Primate Dec^d— & c^{ta}/

Upon the Debate of y^e Clause Relateing to y^e payment of Gold Resolved y^t the s^d Clause shall not be Incerted in the Bill to Prevent Deceipts by false Weights & Measures

Ordered y^t the Clerk Ingrosse y^e s^d Bill—

A Bill to Prevent Monopolizeing of Negroes Imported Read y^e 2^d Time & Past wth Amendm^{ts}—

An Act to Revive y^e Severall acts wthin Mentioned Read y^e Third Time and Past into a Law./

According to An order of this House M^r William Wells A member of this House Made his Appeareance, And Submitting him selfe to y^e Mercy of this House he is Excused paying his fees./ The House adjourned Till Nine of y^e. Clock To Morrow Morning

January the 31st: 1701/2

Saturday In the Morning y^e House Mett According to Adjournm^t: ,

a Clause to be aded to y^e Additionall Act to Provide Indifferent Jurymen & c^{et}: Read and ordered to be Ingrossed

an Aordinance of y^e Generall Assembly Relateing to the Jury act Sent to the uper House for their Concurrence/

Nicholas Trott Esq^r a member of this House Informed the House y^t y^e Rev^d. Doct^r Thomas Bray hath sent Sundry Books as Addition to y^e publick Library Together with another Collection of Books for A Laymans Library

Ordered that the Thanks of this House be given to y^e s^d Rev^d D^r Thomas Bray for his care of this province in sending y^e s^d Books.

And that y^e s^d Nicholas Trott doe acquaint y^e s^d D^r Bray by Letters of y^e thanks of this House

Upon Reading y^e Petition of Col^l: Robert Daniel complaining

y^t he was kept out of his Pattent for a Landgrave of this Province. Notwithstanding his having payed his Monyes for y^e Same. And that y^e s^d pattent is kept by Mad^m Elizabeth Blake Widdow & Relict of Joseph Blake Esq^r: late Governor of this province deceased. And the House being satisfied by Landgrave Edmund Bellinger the Lords Proprietors Receiver Gen^l: that y^e s^d Col^l Daniel had paid him One hundred pounds for y^e Lords Proprietors Use for y^e Aco^{ts}: of y^e s^d pattent. And an Order of Council being layed before this House y^t Orders y^e s^d Mad^m Blake to deliver y^e s^d Pattent wth others to y^e Governor & Council, which Orders y^e s^d. Madam Blake hath not obeyed

Ordered that Col^l. Tho: Broughton & Cap^t Tho: Smith two of y^e Members of this House do wait on y^e s^d. Mad^m Blake to know y^e reason why she hath not obeyed y^e s^d Order of Council & delivered y^e s^d pattent.

Read y^e Petition of Mary Verditey, And Rejected,

A Bill for y^e more Effectuall Suppressing of Blasphemy & Profaneness Read the first Time and Past wth Amendments,

Ordered That An Ordinance of y^e Generall Assembly, Directing y^e Manner How y^e Jurys shall be Drawne, be Ingroosed,

An Act to Enable Georg Dearsley Esq^r: y^e only Surviveing Executor of Humphry Primat Deceased, to sell and Aliene all and Singular y^e Reale Estate of s^d Primat Read y^e Third Time & Past into a Law/

Ordered y^t: m^r Ja: Wither a Member of this House have Leave to Depart the Service of this House/

The House Adjourned till Three of y^e Clock in y^e Afternoone/

In The Afternoone y^e House mett—

According to Adjournment,

An Additionall Act for y^e mending high wayes &c Read y^e 3^d Time & Past into a Law./

According to y^e ord^r of this House Col^l. Broughton and Cap^t Tho: Smith waited on Mad^m: Eliz^a: Blake And Reports y^t s^d: m^{dm}: Blake said y^t y^e late Governo^r- had writt home to the Lords ¶¶^{rs}: for y^r-. ord^r: Relateing to a Pattent for a Landgrave's Shipp Belonging to Rob^t: Daniell Esq^r: And y^t She Could not Deliver y^e Same Till Shee hath their Lordships further Ord^r, and y^t Shee had tould Col^l-. Daniell the Same/ Upon Debate of y^e above Report

Resolved y^t a Message be Sent to y^e Governo^r & upper House to acquaint them that it is y^e desire of this House y^t his Hono^r: & y^e Rest of their members, Do putt their ord^r of Councill Relating to Madam Blake's Delivering y^e y^e Pattent, in Execution & to Oblidge y^e s^d m^{dm}- Blake to Produce the s^d Pattent to y^e Governor and Councill—It being y^e opinion of this House y^t the Pattent being matter of Governm^t, ought not to be Kept by madam Blake, in her Capacity as Executrix, She being Executrix to m^r Blake in his Private Capacity, & not as Governo^r. & therefore y^t she ought to Deliver the Pattent up to y^e: Gove^r= & Councill, That so if their Hono^{rs}: thinke fitting they may Deliver y^e Pattent to Coll- Daniell; And this House in all Humillity Lays before their Hono^{rs}= as their opinion y^t the s^d Coll- Daniell haveing paid his moneys ought to have his Pattent; And therefore Question not Butt their Hono^{rs}- will Do him Justice/

Ordrd: That Nicholas Trott Esq^r W^m- Smith Esq^r: Coll- Broughton & m^r Rob^t Stevens wate upon y^e Governo^r and upper House and acquaint them y^e afores^d Resolution/

Reported by m^r. Trott y^t they Waited upon y^e Governo^r & uper House And acquainted them of y^e before Resolution

The Committe appoynted to Supervise & Examine y^e Acco^{ts} of y^e Publick Receiver, Reports that they find Due to ballance (s^d Oco^{ts};) to the Publick y^e sum of one Hundred fifty Eight Pounds Eighteene Shill and Nine Pence

Ordered y^t: m^r Speaker Signe y^e Ballance of y^e s^d acco^t: in the Publick Receivers Booke/

The Comittee Appoynted to Supervise & Examine Alexand^r Parris Esq^{rs} y^e Powder Receiver's acco^{ts}= Reports y^t there is Due to the Publick Eleven Hundred Sixty and five Pounds of Powder, they haveing transfered (what was Due from y^e Late Powder Receiver) to the s^d Parris's Powder Acco^t- and that there is nothing Due to the Publick from y^e s^d Late Powder Receiver./

Ordrd: That m^r: Speaker Signe y^e above acco^{ts}=

An Act To Prevent abuses by false weights and measures, and to Apoynt a Sworne Measurer wth A Clause to Prevent the Scarcity of Salt. Read, the Third Time and Past Into A Law./

The House Adjourned Till 8 a Clock on munday morning next,

Munday In y^e morning

February, y^e Second 1701/2

The House mett According to Adjournm^t:

An Additionall Act to Provide Indifferent Jury men in all Causes Civill & Criminall wth a new List Read the Third Time and Past into a Law./

Entr here y^e Ardinance of the Generall Assembly Directing y^e manner How y^e Jurys shall be Drawn¹

ordrd= y^t m^r Speaker Signe y^e Same/

The Question for Supressing of Blasphemy &c shall be Read a Second Time Carried in y^e negative

The House Adjourned Till 3 of y^e Clock in y^e afternoone

In the Afternoone/ The House Mett According to Adjournm^t:
Ordrd: that m^r Rob^t: Stevens and m^r John Crosskeys Attend the Upper House, And Deliver them y^e Severall Orders Past this House, And acquaint them That this House is Ready to waite on them for Ratification/

The Above members Reports, that y^e upper House would acquaint this House When they were Ready for Ratification/

Ordered That the Speaker Signe the Minutes of this House Relateing to Coll- Daniells Petition to this House about M^{dm}= Blakes Deteyneing a Landgraves Pattent from him/

Ordrd: y^t m^r Robert Stevens p^rsent y^e Said Minutes to the upper House/

According to s^d Ord^r: m^r Stevens Presented y^e same to y^e uper House./

A message from y^e upper House by Coll- Gibbes and Henry Noble Relateing to an ord^r: Sent their house/ Relateing to Elizabeth Thomas/ wth other messages, in writeing.

In y^e uper House,

Not allowed of But thinke Convenient to Allow her Something out of y^e Publick Treasury for her and her Childs Mainetaneance till She is able to Gitt her owne Liveing, her Kinswooman being now able to Gitt her owne Maintenance./

Ja: Moore—

M^r Speaker and Gent^t:/

We Cannot by yo^r- ord^r understand whether you meane Nicho

¹The ordinance was not entered there, however, but it is given in full in the manuscript copy of Trott's "Laws of the Province of South Carolina", pages 182-186.

Trott Esq^r Shall be paid for mending acts allready Past, or for Drawing acts which y^e Commission^{rs}- shall thinke Necessary to be Enacted, nor do we understand you have taken Care for y^e. Approbacon of them when done Either by the Commission^{rs} or any other Person before Payment, we think you should ord^r- more then Two Commission^{rs}: in y^e Seaven to draw y^e money out of y^e Receivers hands m^r Trott being a Party/
On behalfe of y^e upper House/

Ja Moore/

Ordrd: y^t m^r Rob^t Stevens and m^r Rob^t Fenwick Do Attend y^e uper house wth y^e following Answer to y^e above Message/ (Vizt) May it Please yo^r Honor^{rs}:/

It is y^e Opinion of this House That neither m^r. Trott nor Cap^t Tho= Smith Should Signe y^e ord^r: for Paying m^r Trott for Drawing y^e acts, and what acts by the ord^r of the Comission^{rs}= shall be new Drawn by the said Trott, shall be paid for out of the Publick And not otherwise, But if yo^r- Honor^{rs}. thinke it is not fully Exprest in y^e ord^r, Please to Advise us thereof And we are Readey to Concurr wth yo^r- House/.

Reported by m^r Robert Fenwick That they would Consider the Same and Give this House their answer to Morrow Morning./ M^r Speaker and Gent:/

you Press us by your Message sent by m^r Robert Stevens to End this Sessions, We find not in any of yo^r ord^{rs}- or Acts sent to and Laid before us, you have taken any Care to forward y^e finishing of y^e ffortication to Provide a Sufficent Store of Amunition, or to secure or Defend us from an Inland Invasion, nor that you are Sure we have money in the Treasury to Supply necessaries, We wanted not Reason before this to Expect a Warr wth France and Spaine, the Last advise we have by Cap^t Carter Gives us Reason to Expect The Warr is Begunn before this/ Wee therefore againe Recomend to you y^e Care of y^e Publick Safety, And Desire that you will Consider of these things at Least till to morrow morning, I fair That time you take Due Care, to Inquire & Informe yo^r Selves of our Circumstances, Relating to y^e Expected Warr, (you for ought we Know) may find It Necessary to Make y^e Session a Little Longer

In y^e uper House

Ja: Moore

Vpon Debate of y^e above Message/

Resolved that the Commission^{rs}: for y^e fortification are ordered to Repaire and finish y^e fortifications wth all Possible Speed: And y^t y^e fortifications be piled by ord^r of y^e s^d Com^{rs}. - wthin Tenn foot of y^e fortifications/

That y^e Receiver have Power to buy 6 Barr^{lls}= of Powder or So many as he shall thinke Necessary not Exceeding Tenn

That we are und^r no Apprehension of an Inland Invasion/

That there is money in the Treasury to Supply our present necessities, & therefore our private urgent affairs calling us speedily home we Request their Hon^{rs} (our time being too farr spent) to Ratifie these acts (we attending their Hon^{rs} commands) y^t are past this sitting.

Upon Debate of A Message from y^e upper House by m^r Parris Desireing this House to Send down y^e bill for y^e more Effectuall Suppressing Blasphemy &c/

This Question is Put whether it was y^e Sence of this House That the Bill for y^e more Effectuall Suppressing Blasphemy &c should be Read againe this sitting Carried that it Should not be Read this Sitting/

The House Adjourned Till To morrow Morning Eight a Clock

Tuesday the 3^d Febr^y= 1701/2

In The Morning

The House Mett According to Adjournm^t—

A message from y^e upper House by Coll- Gibbes Esq^r: with y^e Severall acts & ord^{rs}: Sent their House, Acquainting this House y^t y^e upper House were Ready for Ratification/

Ordrd: y^t m^r- Speaker at the Ratification of y^e acts Present to y^e Governor first y^e Additionall Act to Provide Indifferent Jury men in all Causes Civell & criminall And when that is Ratified, to Present any other of the publick acts as he shall thinke fitt, And when that is Ratified present An other, Till they are all Ratified, But if y^e Govern^r- and Deputies, Desire to Ratifie any of y^e Publick acts., m^r Speaker is hereby Ordrd= to Present no more, But him wth all y^e: members are Imediately to Returne to the House/

m^r: Speaker wth the Rest of y^e members of this House Attended y^e upper House wth y^e Severall Acts for y^r Ratification./

M^r: Speaker wth y^e Rest of y^e members Returned and m^r Speaker

Reported y^t the afores^d. Acts are Ratified by y^e Hon^{ble}— y^e Govern^r & uper House./

A message by alex: parris Esq^r from y^e upper house yt they had adjourn^d ye assembly to ye 4th of march next upon ye debate thereof

ordered yt m^r Robert Stevens & m^r will^m Baker attend ye upper house and acquaint them it is y^e opinion of this House to adjourn to ye first wednesday in Septmbr: next

m^r Stevens Reports yt he had deliverd ye above message, and y^t— ye govern^r told him it was y^e opinion of yt house yt we ought to adjourn to a shorter time & if there was noe necessity for ye assembly then meeting they would prorogue to a longer time

Ordrd. y^t m^r— John Cattle A member of this Assembly Pay y^e Sum of Twenty Shillings to Cap^t Tho: Smith for his four Dayes Absenting himselfe from y^e Service of this House—

Jan^{ry} 31st 1701/2

Whereas this House haveing taken into their Considerations y^e Humble Petition of Elizabth: Thomas & Severall Inquiries being made into the Circumstances of the Condition of the said Elizabeth Thomas

Ordrd. That y^e s^d Elizabeth Thomas wth her Child and Kinswooman be Sent of this Province by Cap^t Mallachi for England, a Committe of this House haveing a Greed wth said Mallachi for their Passages aforesaid for Eighteen Pounds, to be Paid here

Therefore Cap^t Thomas Smith Publick Receiver is hereby Ordrd: y^t upon the s^d Mallachies Rec^t on Board his Shipp (of y^e said Elizab^a: Thomas, Child & Kinswooman) Do pay to y^e said Mallachi y^e Sum of 18£: as aforesaid; And that this ord^r be Sent to the upper House for their Currance, Ordrd y^t m^r Speaker Signe y^e Same/

In The Upper House/

Not Allowed of, Butt thought Convenient to allow her Something out of y^e Publick treasury for her & her Child's maintenance Till She is able to Gitt her owne Living, her Kinswooman being now able to Gitt her owne Maintenance/

Ja: Moore/

Jan^{ry} 31st 1701/2

Vpon y^e Heareing of m^r Joseph Ellicott on his Petition Referred to This House, and he acknowledging his fault for not Giveing his due Attendance as An Assessor in y^e Last Assessment./

Ordered y^t that Part of y^e fine or for feiture he made Belonging to the Publick be Remitted, he paying y^e other Part into the Hands of m^r Wigington for y^e use of y^e Informers, And when y^e Same is Paid Prosecution of y^e Sute against him be Stopt, And that this Ord^r be sent to y^e upper House for their Concurrence/

Ordrd: that m^r Speaker Signe y^e Same/

Assented to In y^e upper House:

Jan^{ry}: 31st 1701/2

Ordrd: That The Publick Receiver Do pay out of y^e Publick Money to m^r Francis Fiddling messenger of this House, The Sum of Three Pounds, And that this ord^r be Sent to y^e uper House for their Concurrence/

Ordered y^t m^r Speaker Signe y^e Same/

Assented to in the upper House/

Jan^{ry} 31st 1701/2

Ordered That the Publick Receiver Do Pay out of y^e Publick money to Cap^t John Collins y^e Sume of four Pounds Seaven Shillings & Three halfe Pence, for his Bringing y^e Yamasee Indians, and Indjan Traders to Charles Towne and for his Expences onthem while they were in Charles Towne, And y^t this ord^r be sent to y^e upper House for their Concurrence/

Ordrd: y^t m^r Speaker Signe y^e Same/

Assented to in y^e upper House/

Jan^{ry} 31st 1701/2

Ordered that the Publick Receiver Do Pay out of y^e Publick money to Thomas Rose Clerk of y^e House of Comons the Sum Twelve Pounds for his Attendance on y^e s^d House this Sessions and for Copying and Ingrooseing Severall acts of Asembly, and transcribing y^e Journall of y^e Commons, This Sessions, And that this ord^r be Sent to the uper House, for their Concurrence/

Ordrd: that m^r Speaker Signe the Same/

Assented to In the upper House/

Jan^{ry}: 31th 1701/2

Ordered That the Publick Receiver Do Pay out of y^e Publick money to m^{rs}: Maverick y^e Sum of Forty Shillings And that this ord^r be Sent to y^e upper House for their Concurrence/
Ordrd. That m^r Speaker signe the same/
Assented to In the upper House

Jan^{ry} y^e 31^t: 1701/2

Ordrd: That Cap^t Thomas Smith Publick Receiver Do Pay out of the Publick money to Peter Painter now Gunner of y^e fort y^e Sum of five Pounds Every Three months, Dureing y^e time he shall Continue in the s^d office of Gunn^r- for his Care & Dilligence in Performance of y^e Same/. And that this ord^r be Sent to the upper House for their Concurrence./ ordrd: that m^r Speaker signe the Same./
Assented to In the upper House/

February y^e: 2^d: 1701/2

Whereas by An order of Assembly beareing Date y^e 16th Day of Novem^{br}. 1700 James Risbee Esq^r. was to Pay to Joseph Crosskeys then Powder Receiver, one Hundred and Three Pounds of Cleane, Serviceable Gunn Powder which the s^d James Risbee Did not pay to the said Powder Receiver before his Decease./
Tis therefore order y^t the s^d James Risbee Do pay to Allexander Parris Esq^r: now Powder Receiver y^e- said Quantity, Of one Hundred and three Pounds of cleane Serviceable Gunn Powder, And that this ord^r: be Sent to y^e Upper House for their Concurrence
And that m^r Speaker Signe y^e Same/
Assented to In the upper House/

February y^e 2^d: 1701/2

Ordered y^t: Cap^t Thomas Smith Publick Receiver Do Pay out of y^e Publick money to Augustine Smith, the Sum of Twenty Shillings for Ringing y^e Bell for y^e Assembly, And that this order be sent to y^e upper House for Concurrence, and this ord^r be sent to y^e= upper House for their Concurrence/ And that m^r Speaker Signe y^e Same/
Assented to In y^e upper House/

February y^e 2^d 1701/2

Whereas by an ord^r of y^e Generall Asembly beareing Date y^e 28th Day of August 1701 It was Ordrd that y^e Commission^{rs} of y^e Poore should Take into their hands Such Legacies Given to the Poore (And not Appropriated by the Testato^{rs}) to Pay them Selves The Sume of Twenty one Pounds & Seaven Shillings, the Ballance of their acco^t==

And for as much as Such Legacies Cannot be found to Pay the Disburstments of the said Commission^{rs}—

Therefore it is ordrd That Cap^t Thomas Smith Publick Rec^r- Pay unto m^r John Buckly Commission^r- for the Poore, The Sum of Twenty Three Pounds, nineteene Shillings & seven Pence/ The Ballance of their Acco^{ts}: And that this ord^r be Sent to the upper House for their Concurrence/ And that m^r Speaker Signe the Same/

In the Upper House Assented To/

February the 2^d: 1701/2

Ordered y^t Cap^t Thomas Smith Publick Receiver Pay out of the Publick money to m^r Peter LeChevilier Joyner y^e Sume of Thirty Shillings for makeing a Ballating box wth the Locks & hinges thereon fixt, And that this ord^r be sent to the upper House for their Concurrence, And that m^r Speaker Signe y^e Same/

In the upper House Assented to,

February y^e 3^d: 1701/2

Whereas Job: Howes Nicholas Trott Stephen Bull Ralph Izard Esq^{rs}: m^r Robert Stevens, m^r Robert Fenwick & Cap^t Thomas Smith all members of this House, are ordrd= to Supervise all the Bookes of Acts of Parliament, And to ord^r Nicholas Trott to mend or new Draw as many of the said acts as they or any five of them Shall thinke Necessary to be mended or new Drawne, And to Prepare and Draw as many new Bills as the s^d Job Howes Nicholas Trott Stephen Bull Ralph Izard Robert Stevens, Robert Fenwick & Thomas Smith or any five of them shall think necessary against the Next Session of Parliament/

Therefore it is ordrd: That Job: Howes Stephen Bull Ralph Izard, Robert Stevens and Robert Fenwick or any Three of them shall ord^r Thomas Smith Publick Receiver To Pay to Nicholas Trott the Sum of ffourty Shillings for Every act and

Bill he shall mend new Draw & Prepare as aforesaid; They the s^d Job Howes Stephen Bull, Ralph Izard, Robert Fenwick and Robert Stevens, or any three of them haveing first perused & Approved y^e s^d acts and Bills, And the said Thomas Smith is hereby ordrd= to Pay the Same, And that this ord^r be sent to the upper House for their Concurrence, And that m^r Speaker Signe the Same/
In y^e upper House Assented To/

February the 3^d= 1701/2

Whereas Thomas Hepworth Clerk was ordrd by this House to Transcribe all the perpetuall and Temporary Lawes in To Severall Bookes, one for the use of the Governo^r- and Councill And the other for the use of the Commons,

It is Hereby ordrd: that Nicholas Trott Esq^r: m^r- Robert Fenwick and m^r John Crosskeys Superviseing y^e said acts, And Approveing the Same Shall and are hereby Impowred by An Ord^r Vnder their hands to the Public Receiver, who is hereby Required to Obey the Same/. To Pay unto the Said Thomas Hepworth Six Royalls for Every Act so Drawne and Approved by them, And allso for the Bookes the said acts are Transcribed in; And That this ord^r be sent to the upper House for their Concurrence

And that M^r Speaker Signe y^e Same/
In The upper House Assented to,

February the 3^d= 1701/2

Ordered y^t the Commission^{rs}- for Building y^e fortification Do wth all possible Speede order y^e Repaireing & finishing the s^d ffortifications, and such or all of them as they shall thinke necessary to be Piled, shall ord^r the Pileing the Same, wthin five foot of the said fortification, The Charge Whereof Shall be Paid out of y^e Publick Treasury, by an ord^r und^r their hands or Any three of them To the Publick Receiver who is hereby ordered to Pay the Same, And that this ord^r be Sent to the upper house for their Concurrence And that m^r Speaker Signe the Same/

In The upper House Assented To/

Feb^{ry} the 3^d 1701/2

Ordered y^t Cap^t Thomas Smith Publick Receiver Do Give unto m^{rs} Elizabeth Thomas, ffourty shillings out of y^e Publick money to Supply her Present necessities, And that this ord^r be Sent to y^e upper House for their Concurrence/ And y^t m^r Speaker Signe y^e Same/

In the upper House Assented to,

February The 3^d 1701/2

Ordered That Cap^t Thomas Smith Publick Receiver Do Buy Six Barr^{lls}- of Gunn Powder, or So many as shall be thought Necessary by the Hono^{ble}- James Moore Esq^r Governo^r:- not Exceeding Tenn/ And that this ord^r be sent to y^e uper House for their Concurrence/ And y^t m^r- Speaker Signe the Same/ In the upper House Assented to,

February The 3^d 1701/2

An Ordinance of the Generall Assembly Directing The Manner How the Juries shall be Drawne—

Whereas a new Book by ord^r of y^e Generall Assembly hath been made, commonly called a Ballating Box, out of which Shall be drawne Little Scrooles Contaneing y^e names of y^e Juries, which Box Doth Consist of Six Little boxes or Divissions which Divissions are marked, N^o: one, Two, Three, fouer, five and Six; And whereas by a Clause In the act Entitled an Additionall act to Provide Indifferent Jury menn in all Causes Civill and Criminal, it is therein Enacted, that y^e Juries hereafter to be Drawne Shall be in Such method & forme as shall be Given by an ordinance of the Generall Assembly, It is therefore ordered by y^e Concurrence of Both Houses that all the names of the List of the P^{ersons} that Serves as Grand Jury men be roled up in Little Scrooles and Putt into the Divission marked n^o:- one, and y^t: y^e first Grand Jury which shall be Drawn after the Publication of that Act, be Drawn out of y^e Scrooles in the first Little box or Divission marked n^o: one, And being so Drawn out, shall as they are Drawne name by name, be Entred by the Clerke of y^e Court in a book. In ord^r to the makeing an ord^r. to the officer for the Summoning of them to Serve as Grand Jury men, Butt the Little Scrooles or Names as Soone as Entred, Shall Imediately be putt into the next Little Box or Divission N^o:

Two, And so on till all y^e names be Drawn out of y^e Little Box or Divission no one; And when all y^e Names are Drawne out then they Shall begin at the Little Box or Divission n^o- Two, And as they Draw out of that shall Imediately put them into N^o- one, till all y^e names or Little Scrooles be drawn out of the Little Box or Divission N^o-: Two, and then shall begin againe to draw out of no one, and So Successively, And the Two next Little Boxes or Divissions marked N^o- Three & N^o- ffoure shall Contane all y^e Names or little Scrooles of all P^{er}sons appoynted by this act to Serve as Jury men in the Court of Common Please & all Petty Juries whatsoever, And all the Scrooles Contaneing the names Contaned in the Third List in the said act, Entituled a List of the Names of Persons appoynted to Serve, at the Court of Please & Petty Juries, shall be putt into the Little Box or Divission N^o- Three, And out of that Box shall be Drawn the Names of all Such persons as are to be Summoned to Serve as Jury men in the Court of Common Please and all other Petty Juries whatsoever, And Shall as they are Drawn Name by Name be 'Entred by the Clerk of the Court into a Book In ord^r to make an ord^r to the officer To Summons them, And Shall then be sealed up in a Paper wth Three seales, (viz^t) the seale of the Cheife Justice of this Province for the Time being, of the Publick Receiver for the Time being, And of the sheriffe for the time being, and Att the meeting of y^e Court In y^e Presence of the Cheife Justice, The Generall Receiver & Sheriffe, or Some person Authorized by them in Case of necessity for their Absence; the Little Scrooles Contaneing the names of the Appearers, being Putt into a Little Box for that purpose Provided marked N^o-: Seaven, out of that Box shall be Drawn y^e names of the P^{er}sons, that are to Serve as Jury men at the Court of Common Please, or any Petty Juries, whatsoever and Before the breaking up of the Court, the Little Scrooles Contaneing y^e names of y^e Persons that were Drawne before the Sitting of the Court, out of y^e Little Box or Divission N^o-: Three Shall be putt into the other Little Box or Divission n^o-: four, And then they shall proceed to Draw other Names for Jury men for the Common Please or any Petty Jury men whatsoever out of the Little Box or Divission marked N^o-: Three, Till all the names are Drawn out of N^o-: Three & then they shall begin to Draw againe at n^o- four, and when finished be againe Putt into N^o-: Three Till all y^e names on little Scrooles be

drawn out of y^e Little Box or Divission n^o- four and then Shall begin againe at n^o-: Three & so successively as is before Directed in the Drawing of Grand Jury men And y^e Two next Little Boxes or Divissions Marked n^o- five and Six Shall Containe all the Scroles Containeing the names of all P^{ersons} appointed by this act to Serve as Jury men at all Speciall Courts, and all y^e Little Scroles Containeing the names Contained in the Second List in the said act Entituled a List of Jury men for Speciall Courts, Shall be putt into the Little Box or Divission marked N^o- five, and out of that Box Shall be Drawn y^e names of all Such P^{ersons} as are to be Summoned to Serve as Jury men in any Speciall Court, and Shall as they are Drawne Name by Name, be Entred by the Clerke of the Court into a Booke in ord^r to make an ord^r: to the officer to Summon them & Shall then be Sealed up in a Paper wth three Severall Seales vizt) the Seale of the Cheife Justice of this Province, of the Publick Receiver & of y^e Sheriffe for the time being, And at the meeting of y^e Speciall Court, the names of the Appearers being putt into the Little Box marked N^o- Seaven, out of that Box shall be Drawn the names of y^e- persons that are to Serve as Jury men at y^e Speciall Court, & Before the Breaking up of y^e speciall Court, the Little Scrooles Containeing the Names of the P^{ersons} that were Drawn before the Sitting of the Court out of the Little Box or Divission Marked N^o- five Shall be putt into the other Little Box or Divission Marked N^o- Six, and when there is occation for Drawing names of Jury men for An other Speciall Court the Same shall be Drawn out of The Little Box, or Divission Marked N^o- five Till all y^e scrooles or Names are Drawn out of N^o- five, And then they shall begin to Draw againe out of N^o- Six and when finished be againe putt into N^o- five till all the Names or Little Scrooles be drawn out of y^e Little Box or Divission N^o-: Six, And then Shall begin a Gaine at N^o- five and So Successively as is before Directed in y^e Drawing of the Juries, for the Court of Common Please-/ And it is further Ordrd: by y^e authority aforesaid, That for the Preventing of all mistakes and Confusions in Drawing out of any of the Little Boxes or Divissions and mistakeing one for the other or forgetting which Box to begin at as y^e- names of the Juries weere Drawn & Entred into the Court Booke by the Clerke, The Number of the Little boxes or Divissions out of which the names are Drawn, shall at the Same time be allso Entred by

the Clerk in the said Booke, And that the Said Balloting Box Contaneing the said Six Divissions shall have three Severall Locks to itt And three severall keys and one Key Shall be Kept by the Cheife Justice of this Province for the time being, the other by the Generall Receiver for the Time being and the other by the Sheriffe for the time being, And the s^d Box Shall Never be Locked or unlocked but in the presence of the s^d Three Persons or Some Person authorized by them in their absence in Case of necessity and the said Box to be Kept in the Custody of the Sheriffe of Berkly County for the Time being

February the Second day Anno 1701

Job: Howes}

Read in the Upper House And Assented

Speaker }

To/

Ja: Moore

The House adjourned Till y^e first Wednesday In September Next./

Att a Generall Assembly Mett att the House of the R^t: Hon^{ble}: the Governor—in Charles Towne The First day of Aprill Anno Dni 1702.—

The Palatine & y^e Rest of the true & absolute Lords & prop^{rs}— of the Province of Carolina—

To William Weekley Esqr high Sheriff of Berkley County.— Wee Comand you to sumon all the free Holders of Berkly County together with all the freeholders of Craven County Qualified for Election of members of Assembly to Convene att Charles Towne on the Eleventh day of March next then and there according to the directions of an Act of Assembly Entituled an Act to Regulate the Election of Members of assembly to Chuse & Elect Twenty members of Assembly to advise Consult and Consent to and wth: us about the arduous and Great affairs & matters of that P^{rt} of this Province that Lyes South and West of Cape Fear which members so Elected you are to Sumons to meet att Charles Towne att the Govern^{rs}: House on the first day of Aprill Next 1702 To sitt in a Generall assembly for this part of this Province and this Precept and your Execucon thereof you are to Return to us att the time & place afores^d. of which you are not to faile Witness our Govern^r & Councill att Charles Towne the Twelfth day of February Anno Dni 1701/2.

Ja: Moore

Rob^t: Daniell

Ed^{md}: Bellinger

Henry Noble

George Dearsley

Alex: Parris

The Sheriffe of Berkly Countyes Returne/

March y^e 31st 1702/

A List of Twenty Gent^lmen which had the Majority of Votes at the Election for Members of Assembly Begunn at Charles Towne the Eleaventh Instant, And Ended the 14th & are to meete at the Governo^{rs} House on the first Day of Aprill next./

	Voats		
(viz ^t) D ^r Charles Burnham	—	—	392
Cap ^t John Guppell	.	.	357
Majo ^r Chas. Colleton	.	.	340
Coll Thomas Broughton			250

Cap ^t Job Howes	227
merch ^t : W ^m - Smith	226
m ^r John Buckly — — —	224
Col ^l - Stephen Bull	221
Landgrave Tho: Smith	221
Georg Logan Esq ^r :	218
Nicholas Trott Esq ^r :	218
m ^r Serurier Smith	217
Cap ^t John Godfrey	217
Cap ^t James Risbee	217
Cap ^t : David Davis — — — —	216
M ^r : Henry Wigington	212
m ^r Richard Beresford —	212
majo ^r Benj ^a : Wareing — —	208
Cap ^t Georg Smith — —	204
Majo ^r - William Smith	200

Cap^t Abra: Eves 199

and Tenn Moore Votes for him and Major- W^m- Smith which were objected against as unqualified to Vote, which is Humbly Submitted to the House to Judge of whether Quallified or not, Therefore Returne the said Cap^t Eve/

William Weekly Sheriffe
of Berkly County./

The Pallatine and The rest of the True and absolute Lords & Prop^{rs}: of the Province of Carolina/

To John Fripp, Esq^r: High Sheriffe of Colleton County./
Wee Command you to Summon all y^e free Holders of Colleton County Together wth all the Inhabittants Dwelling To the South ward of said County Quallified for Ellection of members of assembly to Convene at Willton on y^e Eleventh Day of march next Then & there according to the Directions of an act of Assembly, Entituled an act to Regulate y^e Elections of Memb^{rs}- of Assembly To Cluse & Elect Tenn members of assembly to Advise Consult and Consent to and wth us about the arduous & Great Affaires & matters of that Part of this Province y^t Lies South and West of Cape Fear, which memb^{rs}: So Elected you are to Summon to meete att Charles Town at y^e Governo^{rs}-House, on the first Day of Aprill next 1702, To Sett in a Gen-

erall assembly for this Part of this Province, and this Precept and yo^r Execution thereof, you are to Returne to us, at the Time and Place aforesaid of which you are not to fayle, Witness our Governo^r- & Councill at Charles Towne the Twelfth Day of ffebruary Anno Dom 1701/2

{ Henry Noble	{ James Moore
{ George Dearsly	{ Robert Daniell
{ Alexand ^r Parris	{ Edmund Bellinger

The Sheriffe of Colleton Counties Returne/

Carolina }
 Collenon County } According to a Precept to me Directed, und^r
 y^e hands and Seales of y^e Hono^{ble}- James Moore Esq^r Govenor:
 and the Rest of the Hono^{ble}- Councill Dated In Charles Town
 the 12th of Febr^y: 1701/2 Commanding me to Summons all the
 free Holders of the County aforesaid To Gether wth all the In-
 habitants Dwelling To the South ward of said County Qual-
 ified for Election of members of assembly To Convene at Wilton
 y^e 11th Day of march Last Past, Then & there, According to
 the Directions of an act of assembly Entituled an Act to Regu-
 late the Elections of members of Assembly To Chuse and Elect
 Tenn Members of Assembly In obedience to the said Precept,
 I have Sumond all the free Holders of Colleton County wth
 all y^e Inhabitants Dwelling to the South ward of said County
 and by a Due and fare Election Chosen at Wilton The Day
 and Yeare aforesaid as followeth,

Votes

John Ash Esq ^r :	49
James Stanyarn Esq ^r	49
m ^r John Stanyarn—	48
m ^r James Gilbertson	47
m ^r Tho: Elliott	47
Cap ^t W ^m - Brockhust	42
m ^r Thomas Jones	43
m ^r John Raven	43
Cap ^t Tho: Bower	47
m ^r : Joseph Ellicott	34

Returned this 1st of aprill 1702/ ③ John Fripp High Sherife of
 Colleton County

All the aforesaid Members, Present/

Except m^r: Tho: Jones/

The Question is Putt Whether Job Howes Esq^r: Shall be Speaker of this House/

Carried By majority of Votes/
That Job: Howes Esq^r be Speaker of
this House/ who accordingly }
Tooke the Chaire }

The Question is Putt, Whether m^r: Edward Bourne shall be messenger of this House or not/ Carried y^t the s^d Bourne be Messenger of this House

The Question is putt Whether this House upon their Next Adjournm^t, Shall Adjourne to Cap^t Collins, His House or not/

Carried That The House Adjourne to Cap^t Collin's his house

Read the Rules and ord^{rs} of this House/
and ordrd

That the Word (House) be Enserted in the Last part of y^e 9th Ord^r: in the Roome of the word Speaker/
accordingly the s^d Word is Enserted./

Mr John Stanyarne a Member of this House Prays Leave to Depart the Service of y^e Same till Munday next, his wife being Dangerously I'll./

Ordered

That he have Leave to Depart this House till Munday Next/
And that then he do againe Attend y^e Service of the Same/

The House Adjourned To meete at the House of Cap^t:
John Collins at Two of y^e Clock To morrow in the
afternoone/

Aprill the Second 1702/ Thursday—

In The afternoone/

The House mett according to adjournm^t

A Petition being Delivered to this House by m^r Tho: Smith: a member of this House, and motion being made for reading y^e Same upon y^e Debate thereof

The Question is Whether the House Shall proceed upon any matter before the Govern^r: hath Given us the Reason of Calling this Assembly.—

The Question is Whether this shall be the Question or not

Carried in the affirmative

The Question is Whether the s^d Petition delivrd this house by Cap^t Tho: Smith Shall be ordrd—: to be now Read

Carried in the affirmative

The House Enttring into the debate of y^e direction of the s^d Petition

The Question is Whether the words (To the Hon^{ble}: Job Hows Esq^r Speaker) shall be Incerted in the said Petition before it be read or not

Carried in the affirmative

The Question is Whether the words (to the Hon^{ble}: Job Hows Esq^r Speaker) Shall be Incerted in this house or not/

Carried in the affirmative

Ordrd—: That the said words be Incerted in this house

Ordrd—: That the Petition^{rs}: do Imediately attend this House to See the s^d—: Insertion—

Accordingly M^r: Joseph Boone, m^r: Rob^t: ffenwick and m^r: John Croskeys, Petition^{rs}: Attended this House and allowed of the s^d—: Insertion

Ordrd—: That the s^d— Petition be Read
the said Petition being read Relateing to the Illegall Return of three members of this House by the Sheriff of Berkly County

A Message from y^e Uper House by M^r: Secretary Alen Commanding this House Imediately to attend the Govern^r: and Uper House

Ordrd—: That M^r: Speaker & this House do attend the Govern^r: and Uper House

Accordingly m^r Speaker with this House attended y^e Govern^r & uper House

M^r: Speaker & the House Returning, M^r: Speaker Reports that his Hon^r: has beene Pleased to make a most Hon^{ble}: Speech to this House, And that (to p^rvent mistakes) his Hon^r: had deliv^red a Coppy thereof to m^r Speaker who presenting y^e Same to this house it was Ordrd—: to be Read. And it was Read accordingly

Ordrd—: That the s^d—: Speech Lay on the Board
The Question being Putt Whether this House shall adjourn to some Considerable time or not

Carried in the affirmative

Ordrd—: That a Message be sent to the Uper House to acquaint them That this House have thought it Convenient to adjourn to some Considerable time And to Request their Hon^{rs}—: to Acquaint this House if they approve of such an adjournm^t:

Ordrd-. That John Ash & Nich- Trott Esq^r:s deliver the Said message

Ordrd-. That the Govern^{rs}: Speech be Entered in y^e Journal of this House Which is as followeth

Mr: Speaker & Gent^m=

Wee have not less Reason now to Expect warr Betweene the Crowne of England & y^e Crowns of France and Spaine then we have had six or Eight months past Therefore Recommend to you to Consider of the most Expeditionary ways to finish and secure the works allready begun for the defence of Charles Towne. It's a work which Prudent & Providant People would Chuse to do in time of profound Peace, Least if it be to be done after a warr begun the Enemy may fall on us before it can be ¶fected, nor will be it of greater Charge to ¶fect these works wth: Expedition then in a Longer time

Wee Recomend to you a Collection of the Statute Laws of England which already are or easily may be adopted to this Colony, and are not allready in force here, Peticularly such statutes as are made in England to discourage and punish fornication and to provide for the maintainance of Barstards & Poore People, And the Act made in the Kingdome of England for the more Effectuall Suppressing of Blasphemy & profainness A copy of which you have in your House not ¶fected by y^e Late Assembly

Wee Recomend to you to Consider of a Better Way of Keeping of a watch in Charles Town then hath yett been by Law ap-
poynted, a Good Watch in Charles Town is Convenient in time of Peace and as Necessary in Time of warr as our Batteries of Great Gunns which wthout a good watch will be of no use to us/

Wee Recomend to you to Consider of wayes to Prevent the Nation of Indjans Called y^e Tallabooses and others Living to the Southward of y^e Savana River from acquainting themselves wth the french y^t Live on the South Side of y^e Bay of Apalache, for wthout Due care be taken to Prevent it they must eilie them Selves to the French or be Destroyed by them, nor can they be friends to them and us at the Same Time. I have advice that a Great many of the French have already Planted them Selves among a Great nation of Indjans which now are & allwayes have been Enemies to all the Indjans wee trade wth= And that the French Indjans have allready Killed Some of y^e Tal-

labooses, Care must be taken to Prevent Trade wth the Indjans on Trust, That a lone in a short Time will force the Indjans to apply them Selves to the french for a Trade, as well as Protec-tion from the Severity of their Creditors, The Same Care ought to be Taken to Reforme the Barbarous, Heathenish Immorall & Unjust way of Living & Dealeing of y^e Persons that Live among and Trade wth the Indjans,, If Speedy care be not Taken for these things we Feare wee may wish wee had Done itt when it will be to Late,

Gentlemen I have the most Numerous Family of Relations and children in the Collony, And to settle them as they Grow up have Laid out a Great Part of what I have in Settling Plan-tations for them, And Those in the most Inland Parts of the Collony (wherefore (If for want of Timely Care to Prevent it) any mischeife fall on us, from the Indjans I have Reason to Ex-pect to be the first and Greatest sufferer, Therefore Beleiveing it better for my Selfe and family to prefer y^e Saveing of what we have already to the Prospect of gitting more by y^t Trade which without a Seasonable Regulation will be the undoubted occation of Looseing as well What I have already as what I may Gitt by it, I will Readily Consent to any Law you shall make for y^e Regulation of that Trade and the Prevention of y^t mischeife which we may Expect from the Trade of our Indjans wth the ffrench, Even to the Ceaseing to trade wth the Indjans or to be Concerned any way Relateing to it Whilst I am Gov-ernor:, If you thinke that fitt, Provided the Laws you shall make Relateing to that matter shall Aime at nothing but the Publick Safety/

Wee allso Recomend to yo^r- Consideration the Last Constitu-tions sent hither by the Prop^{rs}: which if you shall not Thinke fitt to Pass into a Law, That you would appoynt a Committee of yo^r- House to Consult wth a Committee of our House to make such amendments and Additions as may be thought for the Good and Safety of the Province./

The House Adjourned Till Eight a Clock tomorrow Morning/

Aprill y^e: 3^d: 1702/

Fryday in the Morning, The House mett according to adjournmt:
A motion being made by John Ash Esqr a Memb^r: of this House

y^t Nicholas Trott Esq^r Lay before this house 2 Letters which he sent into Colleton County before y^e late Election accordingly m^r Trott Laid before this house 2 Letters he sent to m^r Thomas Nerne & m^r Edward Hext, And an other Letter he Rec^d: from s^d nerne before y^e s^d Election, Desireing y^e same may be read allso,

ordrd: y^t y^e s^d 3 Lett^{rs} be read

Upon the Debate of y^e matter of y^e s^d Letters.

The Question is Whether the s^d Letters Writt by s^d Nicho Trott a member of this House are an Infringment on the Liberties of this house

Caried in the Negative

A Motion being made by Coll- Thomas Broughton, That the Thanks of this house be given to y^e reverend Edward Marston for his Yesterdays sermon Preached before this house/

The Question is Whether the Reverend Edward Marston Incumbent of Charles Towne shall have the Thanks of this House for his yesterdays Sermon Preacht before this house/

Caried in the Affirmative

Ordrd

That Coll- Thomas Broughton Capt Ja: Risbee, major- Benj^a: Wareing & m^r Hen: Wigington Returne the s^d Reverend Edward Marston the thanks of this House for his s^d Sermon/

A message from y^e upper house by m^r Secretary Allen That uper House was Ready to Receive The Message from this House ordrd- to be Delivered them yesterday,

Accordingly John Ash & Nicho. Trott Esq^{rs} Apoynted to Deliver the said Message, Attended y^e uper House/

John Ash Esq^r: Reports y^t he had Delivered y^e s^d message and y^t y^e Governo^r & uper House would Consider of y^e Same/

Upon y^e motion of John Ash Esq^r for Reading an ord^r made y^e Last assembly Relating to nicho: Trott Esq^{rs}: Drawing or mending New acts.

The s^d ord^r was Read,

The Messenger Informing this house of a Message from y^e uper House/

Ordrd

That the s^d Message be Rec^d:

A message from y^e uper House by Alexand^r Parris Esq^r & m^r Secretary Allen in Answer to the message Sent them this Day,

Ordrd: That the s^d Answer be Read,
and Entred in the Journall of this House/
Which is as followeth

Mr Speaker And Gentl^{mn}==

In Answer to yo^r- Message about an Adjournm^t: Wee have y^e
Same Reasons to Press you to Continue this Sessions and to
Expedite bills to be Passed in to Laws for doeing those things
we have allready Recomend^d to you as Necessary to be Done
for the Safety of the Country as we had to Call you to gether
and Expect you will Goe upon y^e= Said matters/
y^e House, Having Debated the said message, /

The Question is Whether this House Shall Adjourne or Nott,
Carried in the Negative/

Upon The Motion of John Ash Esq^r: That this House Resolve
it Selve into a Comittee of y^e Whole House to Examine into Priv-
iledges and Elections

The Question is Whether this House shall now Resolve into a
Grand Comittee to Examine into Priviledges & Ellections or not
Resolved

That this House Resolve it Selfe into a Grand Committe^{ee},,

The Question is Whether Capt James Risbe shall be Chaire
man of the s^d Committe,

Carried in y^e affirmative/

Mr Speaker Resigned the Chaire/

and Capt James Risbe Assumed the same/

The Question is whether this Comittee shall Imediately Examine
into the Priviledges & Elections, or adjourne,

Caried for adjourning

This Grand Committe adjourned till 8 of the Clock Tomorrow
morning./

Aprill the 4th 1702

Saturday The Comittee mett according to adjournment.

The Comittee entering into the Debate of Elections

Motion being made, whether the Returne of y^e Sheriffe of
Berkly County Shall be first Debated—

Ordrd: that the s^d Returne be first Read/

Accordingly the s^d Returne was Read.

Upon the Debate thereof/

The Question is Whether This Committee Shall proceed upon the Returne of y^e Sheriffe of Berkly County first, or on the Petition of Jos: Boone Robert Fenwick & Jn^o: Crosskeys,

Caried To Proceed on the s^d Petition/

Resolved

That the s^d Petition^{rs} be ordrd = To Attend This Grand Committe Imedjately to make good their objections Sett forth in the s^d Petition./

Ordered

That the Messenger Do acquaint y^e s^d Petition^{rs}- of the Same/ Motion being made That y^e High Sheriffe of Berkly County Do Attend this Grand Committe Imedjately and Lay before them all the votes and Papers Relateing to the Late Election of members of Assembly for Berkly County

Accordingly the s^d Sheriffe Laid before the Committee the s^d votes and other Papers Relateing thereto,

Joseph Boone Robert Fenwick and John Crosskeys Pet^{rs}- as aforesaid, Attended y^e Comittee & Laid before them their objections Relateing to the said Petition/ And then the said Pet^{rs}-: were Ordered To with draw/

Upon y^e debate of the said Objections/

Ordered

That The s^d Pet^{rs}: Do againe Attend the Committee, And Assigne their objections Specially

Accordingly y^e s^d Pet^{rs}, Attended the Comittee And first And Principally they Assigne,

That Severall French men are nott Quallified according to An act for y^e makeing Aliens free of This Part of this Province, And for Granting Liberty of Conscience To all Prottestants, Because they have not Registered Their Certificates in the Secretaries office of this Province

Vpon The further Debate of the s^d Petition

The Question is Whether this following Question Shall be the Question Carried in the Affirmate.

The Question is Therefore whether The Three members Petitioned against as unduly Returned (viz^t) major-: Benj^a: Wareing, major-: W^m- Smith & m^r Richard Beresford, shall withdraw while the s^d matter in s^d Petition is Debateing,

Carried in the affirmative

According The s^d Members With Drew/

A Motion being made That m^r Henry Wigington and Capt Georg Smith, members of the House of Common should with Draw allso while the said matter is in Debate,

The Question is whether the s^d Capt Georg Smith shall wth Draw/ while y^e s^d matter is in Debate

Carried in the affirmative

Accordingly y^e s^d Georg Smith wth Drew/

The Question is Whether M^r Henry Wigington shall with Draw While the s^d. matter is In Debate, Carried in the negative,

A Motion being made y^t the afores^d Act for makeing aliens ffree &ceter: might be Read,

Resolved

That the said act be Read/

Accordingly the said act was Read/

After which The aforesaid Petitionrs were further ordrd: to Attend the Committee and Lay before them what other Matter they had to allege to make good their objections, sett forth in their said Petition,

Accordingly y^e s^d Pet^{rs}:- Attended the Comittee and Laid before them the afores^d act for Makeing aliens free &ceter: and the matter therein as sufficient Reasons why the s^d Aliens which they had objected against Ought not to vote for memb^{rs}- of Assembly at y^e late Ellection of memb^r of Assembly for Berkly County,

The Comittee Entered into the Debate of the s^d- act/

On which Debate/

The Question is Whether Aliens not haveing Taken out their Certificates, Pursuant to the before Recited act for makeing aliens free &c are Quallified to vote by the s^d act,/ Carried in y^e Negative/

Upon further Debate of y^e s^d matter/

The Question is Putt whether y^e Persons objected agst: by the afore said Petition^{rs}-, as unquallified to vote for Members of Assembly, Shall be summoned to Attend the Grand Committee, to Defend, and make good their Right to voteing,

Carried In y^e Affirmative/

The Question is Likewise Putt whether Roman Catholicks have Right to Vote in Elections for memb^{rs}- of Assembly,/

Carried In the affirmative/

Ordrd That

Mr- Speaker Reassume y^e Chaire

And Cap^t James Risbee Chaireman of y^e Grand Committe, Reported/

That upon Consideration of the aforesaid Petition, Relateing to the Elections, That The Committe were of opinion that the Severall Persons whose Right to Vote was Questioned, Ought to Attend this House To Shew what Right they have to voteing: Resolved

That all the s^d Persons Objected against Bee accordingly Summoned./

Resolved/

That on Munday morning next the House will againe Resolve it Selfe into a Grand Committe of the whole House To Consider further on the said Petition Relateing to y^e Elections/

Ordered/

That The Messenger of This House Do Summon

Mathew Gurin,,	„Abraham LeSueur
John Bonneau,,	„Isaac Battoone
Peter Mailhet,,	„Elias Verdaus
Abraham Dupont,,	„Peter Noble
Jacob Lapotre,,	„Nich ^o - Longumar
John Strawn,,	„Thomas Slautor Cap ^t = } Collins' man }
W ^m - Smith D ^r }	„Rob ^t : Bradshaw/
Ellis' man } „	
Rob ^t Gibbes Jun ^r ,,	„Peter Cothenau/
James Buttler,,	„Timothy Conyers/
William Allen,,	„John Breton
& Paull LaMoche	

To Attend This House on Munday morning next, And Bring wth them all such Papers or Powers which they have, for Qualifieing them to have Right to vote for Members of Assembly, Ordered/

That The Messeng^r- of this House Do Summon

John Devo/,	„Peter Portvine
Theoder Verditty,,	„Mons ^r : Marbeuft
John Cuttin,,	„Peter Ostome
John Junie,,	„David Faur

James Dumoe,,	„John Buttler/
Nicho: Bonoit,,	„Rich ^d : Edghill
James Layware,,	„Black Natt,
Samuell Dugue,,	„Peter Filleaux.
Peter Dutart,,	„Peter Videau
Edward Pennant,	„Benj ^a : Marrion

To Attend This House on fryday next, and Bring with them all such Papers or Powers which they have for Quallifieing them To have Right to vote for members of Assembly./

A Petition Delivered into this House by Cap^t Thomas Smith from Severall Inhabittants in Charles Towne Relateing to undue Elections

Ordrd/

That the said Petition be Read, And Lye on The Table./

And Then The House Adjourned Till monday Morning next, at Tenn of the Clock

Munday The 6th of

Aprill 1702/

The House Mett according To Adjournmt./

The House Adjourned for halfe an Hour/

The Hous Mett according To Adjournmt=

A message from the uper House by Alex Parris: Esq^r: acquainting y^e: house that it was the opinion of y^e uper House y^t if y^e members of this house would not Attend y^e service of the same, (as m^r Speaker wth part of the house, had Informed them thereof) That then they doe adjourne the fifth of may next.)

The Question is Whether This House Shall adjourne Till the fifth day of May Next/

It Past in the affirmative

Accordingly The House adjourned Till y^e fifth day of May Next./

May the 13th 1702/

The House Mett according to Prorogation

Ordrd That Cap^t Tho: Smith and m^r Henry Wigington Do Attend y^e Governo^r- & uper House & acquaint them that this House is Mett according to their Hono^{rs} Prorogation

M^r: Henry Wigington Reports that they have Acquainted the Governo^r & uper House of the s^d Message/

And that The Governo^r. Desires this House to Proceed on the Buisness formerly Recomend^d to this House, /

The House Adjourned Till 8 of y^e Clock To Morrow Morning. /

Thursday the 14th May 1702/

The House Mett according to Adjournm^t /

ordrd = That The Governo^{rs} Speech be Read—

Read the s^d Speech.

And motion being made that The Resolutions of This House before the Last adjournm^t may be Read/

Resolved y^t the s^d Resolutions be Read/

Accordingly y^e s^d Resolutions were Read

Resolved that this House will Goe upon no other Buisness Till the matter of Priviledges & Elections be determined

Motion being made by a memb^r- of this House That the House Resolve it Selfe into a Grand Comittee To Examine into Priviledges and Elections,

The Question is Whether The House shall Resolve into a Committee of y^e whole House to Examine into The Priviledges & Elections,

Caried in the Affirmative

Te Two ffollowing Petitions were Prsented to this House And ordered to be Read/

Read the Petition of Major- Benjamin Wareing, Major- W^m: Smith & Richard Beresford Relateing to undue Elections ordered y^t it be Recomend^d to the Consideration of y^e Grand Committee

Ordrd: that y^e s^d Pet^{rs}: do Attend This Comittee To morrow morning to make good the matter of the s^d Pettition

Read The Petition of John wright W^m. Williams and Georg Canty Relateing to undue Elections Ordered that it be also Recomend^d to the Consideration of the Grand Committee

Ordrd: that the s^d Pet^{rs} Do Attend this Comittee Tomorrow Morning to make good y^e matter of the s^d Petition/

Resolved That This House Resolve it selfe into a Committe of y^e. whole House to Consider and Examine into the s^d Priviledges & Elections, And that they have Power to Send for Persons Papers & Records/

The Question is Whether Cap^t James Risbee shall be Chaireman of the s^d Committe/

Carried in the Negative

The Question is whether Dr Charles Burnham Shall be Chaireman of the s^d Committe,

Caried in the Affirmative./

Mr- Speaker Resigned the Chaire, And Doct^r- Charles Burnham Chairman Assumed y^e Same/

The Comittee Entering into Debate of Priviledges and Elections upon Severall Petitions Laid before them Relating to the Elections

Ordrd: That the Messenger of this House Do Summon

Mathew Gurein	James Buttler	Peter Cotenau
John Boneau	W ^m : Allen	Timothy Conyers
Peter Mailhett	Paull Lamoche	John Briton
Abra- Dupon	Abra: LeSurue	Sollomon Legary
Jacob LaPotre	Isaac Battoone	James Partree
John Straw	Elias Verdaus	John Vanderhost,
W ^m : Smith Dr	Peter noble ¹ Deced	Rich ^d Medlow,
Elis his Man	Nich ^o : Longumar	John Miller Joyner
Rob ^t Gibbes Jun ^r -	Tho: Slaughter	Patrick Martin
	Rob ^t Bradshaw Gon off	

John Lawrence

John Rivers

To Attend This House To Morrow at nine of y^e Clock and Bring wth them all Such Papers or Powers which they have for Quallifieing them to have Right to Vote for members of Assembly

Ordered/

That the Messenger of this House Do Summon—

John Devo

Mons^r: Marbeust

Ja: Lasad

Theoder Virdity

Peter Ostome

Gideon Loule

¹Stricken out.

John Cattin	David Faur	Henry Carren
John June	John Buttler	Samuel Loule
James Dumoe	Rich ^d : Edghill	Ja: Ellis
Nich ^o : Bonoit,	Black Natt	Roger Sumner
Ja: Layware	Peter Filleneaux	Mathew Beard
Samuell Dugue	Peter Videau	John Stocks Jun ^r :
Peter Dutart	Peter Lesad Sen ^r --	W ^m : Adams
Edward Penemt	Anthony Potvine	Tho: Rivers
Peter Portvine		Jos: Atwell
		Henry Midleton
		Sam Blundell
William Wilkinson	Rob ^t Cole	
Tho: Drayton	John Parsons	
Edgar Wells	John Ellis	
Tho: Nash	James Lawree	
Nicholas Bohus	Tho: Holden	
William Rouser	Georg Russell	
Isaac Brunson	Edward Westbury	
Charles Treadwell	W ^m = Hutchinson	
David Batcheler	Daniell Tresvan	
John Greene		
Samuell Scriven		

To Attend this House on Wednesday next And bring wth them all such Papers or Powers which they have for Quallifieing them to have Right to vote for members of Assembly/
Ordered/

That The High Sheriffe of Berkly County Lay before The Grand Comitte all Such Precepts votes and other Papers which he hath Relateing to the Late Election of members of Assembly for Berkly County To Morrow morning 9 of y^e Clock And y^t the messenger of this House serve him wth this order
Ordrd—

That the High Sheriffe of Colleton County Lay before y^e Comitte All such Precepts Votes and other Papers W^{ch} he hath Relateing to the Late Election of Memb^{rs}— of Assembly for Colleton County on next Saturday come seven night And y^t y^e Messenger of this House Do Give the s^d High Sheriffe notice of the same/

Ordrd= That all Persons who have Presented Petitions To this House Relateing To: undue Elections Do Attend The Grand

Comitte Tomorrow Morning 9 of the Clock,
Ordrd: That m^r- Speaker Reasume the Chaire,

And Doctor Charles Burnham Chaireman having Reported
The foregoeing Resolutions of the Comittee Moved This House
That this House would Resolve it Selfe into a Grand Comittee
of y^e Whole House tomorrow

Resolved

That this House will Resolve into a Committe of y^e Whole House
To morrow morning at 9 of y^e Clock, to Examine further into
Priviledges & Elections

And then the House Adjourned Till Tomorrow Morning Eight
a Clock./

Fryday In the Morning the 15th of May 1702/

The House mett according to adjournm^t/

A message from y^e: Govern^{rnr}-: and uper House by alexand^r
Parris & Henery Noble Esq^{rs} Commanding m^r Speaker wth this
House to Attend them Imediately

Ordrd= That m^r Speaker wth this House Do Attend the Govern^r-
and uper House accordingly./

M^r Speaker and y^e House Returned

And m^r Speaker Informed the House of the Govern^{rs}- Speech
which was Read & is as followeth,

M^r Speaker and Gentlemen/

Wee were Glad to see how unanimously you mett on Wednesday
according to the Prorogation, When you Sent us Word that
your House was mett and Receve our orders, We Sent you
word in Answer to yo^r- message That we thought it Neces-
sary you Should Proceed upon the Business that we be-
fore Recommended to you But Instead of that wee under-
stand by yo^r Journall, that which we (are much Sur-
prized at) you Postpone the Buisness of the Country That Wee
Recomended unto you which Requires Expedition to the Buis-
ness of Elections, which in England is So Managed as Never
Retards Publick Buisness But is Settled by a Committe for that
Purpose appoynted and not by a Committe of the whole House;
which If Done by the whole House aforesaid Wee fore See Can-
not Take up Time Then Two or Three weekes,

Gentlemèn Wee have Reason to beleive That by this Time Warr
is Begunn in Europe, and it is well Knowne to you in what a
Bad Condition this Country is to Defend it Selfe against an

Enemie and in Order to Putt y^e Country into a Posture of Defence was the Maine Reason of our Calling you./ Therefore we Do Desire of you that you will Immediately Go upon the Buisness wee Recommended to you, And Particularly That of the ffortifica: which are now in So Bad a Condition That Some of them are Ready to fall Down, that they are not mended, Whether it be want of Money in the Treasury or the Commission^{rs} Neglect, We Desire you will Inquier & Take Care the Platt formes Do not Sinke und^r y^e Gunns, We Are Convinced That the Things Wee Recomend^d to you are of Such absolute necessity for the Publick Safety, as that we will & must take Such methods as will Most Speedily Effect the same,/ The House Entred into the Debate of the Mater of his Honor^{rs}- Speech,

Vpon Debate thereof,

The Question is whither this House shall Proceed upon the Fortifications according To his Honor^{rs} Speech

Carried in ye affirmative

accordingly The House Proceeded on the s^d- matter of ffortifications To Examine into what Reperations are wanting to the s^d Fortifications

Ordrd= That a Comittee be Appoynted to Supervise the s^d Fortifications and make Report thereof To this House what Condition the s^d Fortifications are in,

Ordrd- That Cap^t James Risbee John Ash Esq^r: Georg Logan Esq^r: Major- W^m- Smith, Coll-. Ste: Bull & Cap^t: Georg Smith be a Comittee To Supervise The s^d Fortification and make Report To this House, what Condition the s^d fortifications are in M^r: Spekr Acquainted the House of yesterdays Resolution of the House to Resolve it's Selfe into a Grand Committe This Day to Examine into Priviledges and Elections/

According to yesterdays Resolution The House Resolved it Selfe into a Grand Committe of the whole House to Enquier into y^e matter of Priviledges and Elections, And that they Have the Same Powers,

The Question is Whether Doct^r Burnham Shall be Continued Chaireman of the s^d Committee

Caried in the affirmative

M^r Speaker Resigned the Chair & m^r Chairman Assumed the Same/

According to yesterdays ord m^r High Sheriffe of Berkly County Layd before the Comittee all y^e votes and Papers Relateing to the Late Elections for members of Assembly/

M^r= William Williams, Georg Canty And m^r John Wright Delivered their objections against Severall Persons unquallified to vote for members of Assembly and ordered to withdraw/ upon Debate thereof/

Ordrd- That m^r John Wright Do Attend This Comitte, And Informe them Whether he be Quallified to Sitt as a member of Assembly./

Accordingly y^e s^d Wright attended y^e Committe and acknowledged he was borne out of the Kingdome of England And prayed he might have Time to Informe y^e Comitte of his Qualification to Sitt as A member of assembly/

Ordered that he have Leave Till to morrow Morn to Informe this Committee of the same/

And then ordered To Withdraw/

This Comitte haveing not Determined y^e mater of Elections Ordrd That m^r Chaireman Informe the House thereof And Desire Leave to Sitt againe To: Morrow Morning/

Ordrd= That M^r Speaker assume the Chaire. Doc^{tr} Charles Burnham Chairman of y^e Grand Committe Reports That the Comitte haveing not Determined the mater of Ellections, Desires Leave of the House that they may Sitt againe tomorrow morning,

Ordrd: That the s^d. Comitte have Leave to Sitt Tomorrow morning=

Ordrd: That the Messenger of this House Do acquaint y^e severall Persons Sumoned to appeare here this day to make good their Right of voteing To Attend The Grand Comitte To Morrow Morning Eight of y^e Clock/

The House Adjourned Till To Morrow Morning Eight of the Clock—

May y^e: 16th 1702/

Saturday In the Morning the House Mett according to Adjournm^t/

According to yesterdays ord^r/

The Committe ordered to Supervise The ffortifications Report that the Fortifications ought Immediately to be Repared and Piled, The Charge thereof will Amount to one Hundred Pounds, But before the Breaches of the s^d ffortifications are Repaired

Piles ought to be Drove before them, which ought to be filled up wth Stone & what other materialls, as the Commission^{rs}— or this House Shall direct which filling up wth Pine Brush oyster Shells and Stones will Amount to Twenty Pounds More/
This House haveing ordered a Committe to Supervise The fortifications & they Haveing Reported that the said Fortifications ought Imediately to be Repaired

upon the debate thereof/

T^{is} ordrd that the said Fortifications be Imediately Repaired and Secured, And that the Commission^{rs}— of the ffortifications and front Line or any three of them Do Repaire y^e s^d Fortifications and secure the same by Piles and such other Materialls as by them Shall be Thought most fitt, And That they or any Three of them have Power To finish and Repaire from time to time y^e same And Allso under their hands or any three of them to Draw out of the Public Treasury So much mony as will Defray The Charge of the Reperation of the said Works, And that This Ord^r be Sent to y^e uper house for their Concurrence/

Ordered That M^r Speaker Signe the Same/

ordrd= That John Ash & Georg Logan Esq^{rs}.: Deliver y^e s^d: ord^r to the Governo^r & upper House for their Concurrence/
John Ash Esq^r: Reports that they had Delivered the said ord^r to the Governo^r— & upper House/

John Ash Esq^r Presented to this House a Petition from Robt Stevens W^m— Elliott & James Whitter, Relateing to an undue Returne of Three Members of this House (vizt) Capt James Risbe Georg Logan Esq^r & m^r Surrurier Smith

ordrd= That m^r Speaker Receve the Same

Motion being made that the s^d Petition be Read,

Ordrd/ That the s^d Petition be Read/

Accordingly the s^d Petition was Read/

Ordrd= That The severall P^{ersons} ordrd: to Attend the House this Day, Doe Attend This House againe on Munday morning next,

The Question is Whether this House shall Adjourn

Caried in the Affirmative

The House Adjourned Till one a Clock on munday next In y^e afternoon

Monday May 18

The house mett according to Adjournm^t—

Ordered that A Bill for y^e more Effectuall Suppressing of Blasphemy and Prophaness be Read—

A Message being brought from y^e upper house when y^e House was in Debate on ye said bill and y^e membr^s: of the upper house return'd before they delivered it—

Ordered that the ffollowing Message be Sent

May it please yo^r Hon^{rs}:/

This House was in Debate & a membr^r: yⁿ— Speaking wⁿ our Messing^r: gave us Advice of A Message from yo^r: Hon^{rs}: but as Soon as y^t Memb^r: had done Speaking (w^{ch} was not as we Suppose above 4 minuits) we gave Ord^{rs}: to Our Messing^r: to Informe y^e Hon^{bl}: Memb^{rs}: of yo^r: House y^t we were ready to receive them but uppon his returne he advised us Contrary to our Expectation y^t they were return'd to yo^r Hon^{rs}: uppon w^{ch} M^r Speaker Ordered y^e Messenger if y^e membr^s: of the upper House were in Sight to Advise them but when he againe return'd he Inform'd this House y^t he had delivered his Message & the Gentlemen of y^e Upper house told him they had attended long Enough and now were returneing to their House were they Should be ready to receive us, wherefore we now advise yo^r: Hon^{rs}: we are ready to receive yo^r Hon^{rs} Message./

Ordered that Jo: Ash & James Risbee Esq^{rs} attend the Upper House & Carry the above Message

The Messing^{rs} returneing acquainted this House that they had delivered the above Message;

m^r Speaker being informed of a message from ye upper house advised ye house thereof

ordered yt it be receivd

M^r: Speaker & Gentlemen./

The ord^r of your House of may the Sixteenth Relateing to y^e Repaireing and Pileing & c^{ta}: the fortifications hath no more in it then was in an ord^r—: of both houses made the 3^d of Ffebruary 1701, which hath not been observed, nor have we Reason to Expect this will to more Purpose then that hath been. The Same and no other Commission being appoynted to see it Done, wee hope you will Enquier into the Reason of the neglect of so necessary a Thing, and Take Effectuall Care that it may be done with all Possible Speed—

In The uper House

Ja. Moore

We Desire that all messages you send to us hereafter may be in

writeing and That you will Send to us yo^r- message of Saturday Last Relateing to this matter in Writeing,
The House adjourned Till Eight of y^e Clock To morrow Morning./

Tuesday, May y^e 19th 1702/

The House Mett according to adjournm^t,

A message from y^e upper House, by Secretary Allen Comanding this House to Attend them Imedjately,

Ordrd: That m^r Speaker & this House Doe Accordingly Attend y^e uper House, And that m^r: Speaker Read the Message to the uper House sent them Verbally on Saturday Last, from this House/

vizt) May it Please yo^r- Hono^{rs}==

The ffollowing message is what was ordered to be Delivered To yo^r- Hono^{rs}. on Saturday Last, when y^e ord^r: was Sent for yo^r Concurrence, That to avoyd any Misapprehentions we are Ready to Dispatch w^{ht}= yo^r- Hono^{rs}= have Recomend to us if it Shall appeare for the Benifitt of this Collony./

Wednesday

August The 19th 1702/

The House Mett According to Prorogation

Ordrd: That W^m: Smith & Georg Logan Esq^{rs}: Do Attend y^e Governo^r- and uper House, And acquaint them That this House is mett according to his Hono^{rs}- Prorogation./

W^m Smith Esq^r Reports y^t y^e Governo^r= and upper House would Send to this House Imedjately./

A message from the upper House by Edward Mosely Dep^{ty} Sec^{ry} acquainting this House that the Governo^r- and uper House would Consider of some Buisness to Lay before this House Tomorrow morning/

The House Adjourned Till Tomorrow
morning nine of the Clock

Thursday, August the 20th 1702/

The House mett according to
Adjournm^t

A message by Edw^d: Moosely Dep^{ty} Sec^{ry}- from y^e uper House Comanding m^r Spek^r: and this House to Attend them Imedjately

Accordingly m^r Spek^r: and This House Attended y^e upper House/

m^r Speaker and the House Returned

And m^r Speaker Informed y^e House That His Honor= had Delivered him his speech in writing

Ordered That the s^d Speech be Read,

Read the s^d Speech

ordrd: That y^e Same be Entred in the Journall of this House, which is as followeth

M^r: Speaker and Gent:

Wee doubt not but you have heard (wth: Reason enough to beleive) That our Queene Ann hath beene pleased to proclaime warr against y^e Crowns of France & Spain and their subjects.—

Which gives us Reason to Recomend to yor^r: Consideracon The takeing of St^t: Augustin before it be strengthened with french forces. and if y^t by you as it is by us) be thought necessary & possible to Consider of the best & speediest wayes of doing it.—

This wee beleive will open to us an easie & plaine way to Remove y^e French (and less dangerous Enemy in time of peace then warr) from their settlement on the south side of the Bay of appalatia.—

These being done by us (we have Reason to beleive will make us so knowne & Recomend us to her Mat^{ie}: that with the Consideracon of the Dutys we already pay to the Crowne and the prospect of their augmentation and our being the fronteere Colony of all her Mat^{ies}: Plantations on the Maine in america) wee may hope her Mat^{ie} will (think us worth the Continuance of her protection & Royall Aide.—

Wee Recomend to you as highly Necessary the Repairing & finishing the Batteries of great Guns & y^e placeing Cannon Basketts thereon or some other sort of defence from small arms for y^e men y^t shall manage the Guns.—

To Enquire into our Stores of Amunition and Armes.—
To make the watch in Charles towne more usefull as well in peace as this time of warr, w^{ch}: we beleive may be done wth: Less charge to y^e Inhabitants then now it is.—

To consider off & prepaire a Bill for y^e Regulateing Militia during y^e war (that act wee have already not being adapted for such times, wee have not power to Compell a ¶son fitt for it to take an office; Sev^rall Companys want

drummers, and tho= in ev^ry Beat there are men enough quallified for it yett few or none will doe it./

To Consider of the Number of men necessary to keepe watch on the sea Coast, the Number by your former act for that End made being Limited to Tenn which we think not Enough.—

To Provide boats, Canoes Pereaugoes for transportation of men from place on the appearance of An Enemy to the South ward with oares sailes &c And to direct the most Convenient places to Keepe them in./

Wee hope Gent that the weightiness of these things & the necessity of having them done together with y^e Consideracon That if they be not speedily done we may never have the Like opertunity to doe them will prevaile on you to postpone all other things to these and to lay aside all Differences & P^{ar}ticular Interests./

As the Estate of our Militia & watches now are wee are not Capable but by marshall Law to Enforce the doing of that which is necessary to be done for y^e defence of the Country./

Marshall Law we doe not desire to Live under. Tho most of her Mat^{ies}: Govern^{ts}: in the west Indies have done soe from the first apprehensions of warr. And his Late Mat^{ies}: Advice to the sev^rall Govern^{rs}: to take Care of his Plantations./

But if for want of that or some better means (w^{ch}: is your part to provide) for to preserve this Collony, Itt happen to be Lost Wee Cannot answer it to her Mat^{ie}: the Lords prop^{rs}—, our fellow Subjects, or our posterities Therefore you Cannot but Expect (if you Neglect it, or preferr other business to it) That we shall think it Necessary to Consider of some other most safe and Speedy waies of makeing the Collony Safe, from such Invasions and attempts we may Expect from such an Enemy as the French and Spainyard.—

Wee Recommend to you the same things wee Recommended to you att the first opening of this Parliament, And which are not provided for by you./

The House Entred in to Debate upon y^e matter of the said Speech, Paragraph by Paragraph

First Resolved That Care be taken to Secure this Collony for a Defensive warr before we make a Offensive warr against y^e Spanyards,

ordered y^t ye debate of ye 4 first paragraphs of ye Governrs speech be referrd to ye Consideration of this House when this

house hath debated ye other part of ye govern^{rs} speech
upon ye Debate of ye fortification of Charles Town—

2^{dly}— Resolved y^t a Comittee be appoynted to Consider of a more
Expeditious way of Building y^e front Line or Wharfe wall (it
being part of y^e fortification) then is already Provided by an
Act to Prevent the Seas further Enchroachment upon y^e wharfe
of Charles Towne, And Report thereof to make to this House/
Ordrd: That W^m= Smith & Nicholas Trott Esq^{rs}. Doct^r: Charles
Burnham & Cap^t: Ja: Risbee be a Committee to Consider of
y^e same, and make Report to this House/

Vpon Debate of y^e Provideing Canon Baskett on y^e Batteries
or Some way to Secure y^e Cannon Eare from y^e Enemies Small
Shott/

3^{dly} Resolved That a Comittee be appoynted to Enquire into
our Stores of Amunition and Armes, And to Consider of a way
to secure y^e Cannon Eares upon y^e Batttryes from y^e Enemies
small shott by Cannon Basketts or other wise, and Report the
Same to this House,

Ordrd= That Col^l— Steven Bull m^r Serurier Smith and major—
W^m— Smith be a Comittee to Enquier and Consider of y^e Same
and make Report to this House/

Ordrd y^t Major^r Colleton Cap^t Jno Gupell and Cap^t David
Davis be a Comittee to Supervise y^e act for Regulateing y^e
Millitia and to Consider of ways to Compell p^{ersons} fitt to Take
offices in this Time of warr, y^e: Late act for y^e Millitia haveing
not fully provided for y^e same and Report y^e Same To this
House

A message to y^e uper House/

May it Please yo^r— Hono^{rs}—

This House haveing Taken into their Consideration y^t Part
of yo^r Hono^{rs}— Speech Relateing to makeing y^e watch in Charles
Town more usefull/

Request yo^r Hono^{rs}: to Communicate to us what methods you
Thinke may be taken to Settle the said watch wth more Security
and Less Charge to the Inhabittants of Charles Town/

Ordrd: That John Ash Esq^r m^r Tho. Bowers, m^r Tho Jones and
m^r Ja: Stanyarne be a Comittee to Consider how many watches
are Necessary to be Kept on y^e Sea Coast betweene Ashly &
y^e Savana Rivers And other Places wthin Land and what Num-
ber of Persons are Sufficent for Each watch And allso y^e manner
and method of Carying on allarams from Each Watch And

further to Consider what Boats Cannoes and Periaugers y^e watches, in Case of Allarams, And Report y^e Same to this House To morrow morning/

Ordrd. That y^e— Last Part of y^e Governo^{rs} Speech be debated To morrow Morning

The House adjourned Till 9 A Clock to morrow Morning,

Fryday

August the 21st 1702/

The House Mett according to Adjournmt,

The Committe Apoynted to Consider of y^e most Expedition way of Building y^e front Line or wharfe wall &c^{ta} Reports That The Brick wall of the front Line for y^e fortification be built from bottome to Topp at the Charge of the Publick And That the frontiers be att the Charge of Pileing and filling up from the wall to the Piles, And of filling up from y^e Houses to the wall wth: Earth/

The Committe appoynted to Examine into the Stores of Amunition and Armes &c^{ta}:

Reports that they have not fully Inquired into y^e Same, And prays further Time Till Tomorrow morning

ordered that they have Leve Acordingly to bring in the said Report Tomorrow morning/

The Comittee Apoynted to Supervise y^e Millitia act &c^{ta}, Reports

That it Is necessary That a Store of Ammunition & armes be Kept in Some Parts of the Country for the use of y^e Country That Severall men haveing not Armes, there be Armes and Amunition Laid in Every Capt^s Hands to be ready upon all occations of an Allaram

That there be boxes made by y^e Publick for to be In Convenient Places for the Centries/

That all persons whatsoever shall Take what Commissions the Governor shall think fitt, And y^t all Inferior officers as Serjents, Corporaels and Drumers Shall be Compelled To Take office as their Cap^t Shall thinke fitt/

That the Governo^r— shall be Impowered to Sett Such Guardes as he from time to Time shall thinke fitt

That any Souldier that shall Disobey any Commission officer shall be Punished as y^e field officer shall think fitt,

That in Such Cases be punished as y^e field officer shall thinke fitt

That there be Two Good Perriaugers to be Ready at y^e most Convenient Place of Rendezvous on James Island for the Transportation of the Company in Case of an Allaram./

The Report of y^e. Comittee for y^e- Watches to be Enter'd here. upon ye ye debateing of ye Report of ye Committee for considering ye most expeditious way of building ye front Line of Charles Towne

The question was putt whether ye front Line of Charles Towne to be built with Brick shall be built at ye Charge of ye publick

Carry'd in ye negative

upon ye motion of severall members of this House y^t are concerned in building ye front Line y^t y^e expence of building ye front Line being so great pray this House to take ye same into consideration & Consider of some method to Ease them of part of yt great charge; on ye debate thereof resolv^d for ye more expediting ye sd front line

yt an act be drawn to Ease them of one third part of ye Charge which must be defrayd by ye publick

ordered yt nicholas Trott Esq^r: & Captn James Risby be a Committee to draw ye sd act & present ye Same to this House on monday morning next—

ordered yt ye Report of ye Committee for superviseing ye militia act be debated to morrow morning

The House entering into ye debate of ye report of ye Committee to consider How many watchs are necessary

resolved y^t there be five watchs kept between Ashly River & ye Savanna River viz: one on ye north side of ye Savanna River at a ye white point with 4 white & 8 Indians with two small Connooes one on Santalena Island with 2 white men four Indians & one Conooe one on Edestoe Island with two white men two Indians & one Conooe, one on Ky:e.wah Island with two white men & two Indians & one Conooe & one on Folly Island with two white men two Indians & one Conooe

Resolved also yt their be two Watches kept on y^e. Sea-Coast to y^e. Northward of Sullivant's Island to Seawee-Bay, viz^t. One, on Long Island, by two White-Men, two Indians & One Canoe, & the other, on y^e. South point of Bull's Island, by two white-men, two Indians & One Canoe

Resolved that y^e. Method already Ascertain'd for Carrying on Alarms be for the future observed.

The Question is Putt, whether there shall be Six Perriaugers provided at the Publick Charge.

Carried in y^e. Affirmative

Resolved that Six Perriaugers 40 ft. long & 5 ft. wide with Seventy Eight pair of Oars, be provided with all Expedition at y^e. Charge of y^e. Publick, to be kept, One in North-Edistoe River, two near the Head of Stonoe and three at or near Charles-Town, for the Carrying of Men in Case of Invasion Order'd that the latter part of y^e. Govern^{rs}. Speech be taken into y^e. Debate of this House to morrow morning
The House adjourn'd 'till to-morrow morning Nine oth' Clock

Saturday august y^e 22^d, 1702/

The House Mett according to adjournm^t/
according to the ord^r of the day The House Entred into the Debate of y^e. Report of y^e: Committe Appoynted to supervise y^e millitia act.

The House Entering into the Debate of y^e said Report/

Resolved that a House be built at m^r. Christop^r: Smiths at y^e Publick Charge To Secure y^e Countrys amunition in Case of An Invation/

Resolved That 200 Small armes be bought by y^e Publick for y^e use of Such P^rsons as have not armes of their owne/

The Question is whether the said Armes shall be Lodged in y^e Magazine

Carried in the negative/

The question is

whether part of these armes to be purchased shall be Lodged in ye hands of ye Capt of each Respective company and part in ye magazen

Carryd yt part shall be logd in ye captns hands & part in ye Contry magazen

Resolved That no man Shall be Compelled To Take A Millatery Commission/

Resolved y^t Each Respective Capt in his Company have Power To Press any P^rsons In his said Company Quallified To Serve as Serj^{ts}: Corporalls and Drumers, Excep Such person as was assessed at the Last Assessm^t y^e Sum of 100[£]: and upwards or that will Serve, that he is worth y^e said Sum of 100[£], or more

Ordered That Col^l— St^e Bull: major Smith maj^r—: Warein major Colleton Cap^t Guppell Cap^t Davis and Cap^t William Brockhust be a Committe To Consider y^e manner & Method of Punishing all persons offending in the Millitia In time of actuall Warr, And make Report to this House on Munday morning next

Resolved That a Timber House of Tenn foot Wide & fifteen feet Long wth a Brick Chimney Be built on y^e most convenient Place near the white Poynt at Charles Town at the Publick Charge for A Guard House

According To the Order of this House yesterday The House Entred into the Debate of y^e Latter Part of the Governo^{rs} Speech/

Whereas the Hon^{ble}— the Governo^r In a Parragraph in his Speech hath Implicetaly Charged This House wth differences & ¶tic^lr intrests by Desireing them to Lay aside all Differences and perticular Interests.

Resolved That this House will on Munday morning next take Some proper method To Cleare them Selves from y^e seeming Imputation./

motion being made by a member of This House Relateing to Somthing he herd M^r Jos: Boone Say Col^l— Daniell Spooke in Company Touching y^e Setting up martiall Law/

Ordrd: That The Messenger of this House Do Comand m^r Joseph Boone To Attend the House Imediately To acquaint them what he Kows Relateing To Col^l— Daniells Saying Publickly That we should or there would be martiall Law Sett up if y^e assembly would not agree/

accordingly y^e s^d Boone Attended y^e House And Informed Them That he being in Company wth Col^l— Daniell and others, sometime befor y^e sitting of this Assembly heard Col^l— Daniell Say y^t if this Assembly did not agree wee Should or there would be martiall Law Sett up,

Ordered That Georg Logan Esq^r Do Request Col^l— Rob^t Daniell to Attend This House on mundy Morning next, The House Entring into Debate of y^e Things Recomend to This House in y^e Governo^{rs} speech y^e first opneing of this Assembly

Ordered That Nicholas Trott Esq^r m^r Henry Wigington & Coll— Steven Bull Cap^t Ja: Risbee Be a Comitte to examine ye Last Constitutions Sent hither by y^e Lords Prop^{rs}: and to make such

additions Namentments as Shall be thought fitt by them and offer y^e Same to this House on Thursday next,

The House Takeing into their Consideration y^e Debateing y^e matter of Priviledges and Elections/

Resolved That they do Enter into the said Debate on Tuesday next,

The Question is Whether This House Shall advise y^e Honoble y^e Governo^r To Proclaime her majestie Queen Ann (Carried In the Afirmative

The Question is Whether This House shall Advise y^e Honoble- y^e Governo^r. To Proclame Warr against the French and Span- yards/

Carried in the negative

The Question is Whether The following Question shall be the Question Carried In the afirmative/

The Question is That Any member of This House Dissenting from a Question Carried may have Leave to Enter the Reason of his Dissent

Carried in y^e affirmative

The House Adjourned Till one of the Clock on Munday Next In y^e afternoone/

August the 24th 1702/

Munday in y^e afternoone

The House mett According to adjour^t

According To The ord^r of y^e Day

The Committe Appoynted to Consider y^e manner and method of Punishing all persons offending in y^e millitia (In Time of Warr) made Report,

The House Entring into y^e Debate of the s^d- Report and upon Reading y^e s^d Report and y^e militia act/

The Question is

Whether there Shall be any further ¶viss made in this Junc- ture in y^e millitia act for y^e Defence of this province./

Carried in the Affirmative

Resolved y^t y^e fines & forfeitures for non appearances at Private and Gener^{ll}- Musters is sufficiently ¶vided for in y^e millitia act Resolved That the forfeiture for ¶sons not appearing Com- pletly armed at Musters be five Shillings.

The Question is Whether the following Question Shall be Now Putt./

Carried in y^e
affirmative

The Question is Whether any person ought to be Commanded out of his County in time of an Allaram when y^e Enemie is not Landed nor Within the Barr of any River/

Carried in the Negative

The Question is Whither The Millitia act hath fully provided for fines on Allarams/

Carried In the Affirmative

Ordrd y^t y^e Debate of Keeping y^e watch in Charles Towne be Referred Till Tomorrow Morning

Ordrd= That The further Debate of y^e Report of y^e aforesaid Comitt be Referred Till Tomorrow Morn

According to y^e ord^r of this Day Georg Logan Esq^r: Reports That Col^l- Daniell Told him y^t if it Consists wth y^e Honor of their House he would Attend this House/

Ordrd= That John Ash and Georg Logan Esq^{rs} be a Committe To Draw up An Address To the Hono^{ble}- y^e Governo^r & uper House, To Cleare this House from y^e Seming Imputation This House was Implicitly Charged wth in his Honor^s Speech And also that Relating to the Answer Returned This House by Col^l- Daniell and Lay y^e Same before this house Tomorrow morning

The House Adjourned Till Tomorrow
Morning Nine oth Clock

August the 25th:

Tuesday Morning The House Mett according To Adjournm^t= according to the ord^r of the day y^e House Entred into y^e Debate of Keeping the watch in Charles Town

Ordrd= That the following Message be Sent upper House/ May it Please Yo^r- Honor^s

Wee once more Request yo^r Honor^s To Communicate To this House what Methods you thinke may be taken to Settle y^e Watch wth more Security and Less Charge To the Inhabittants of Charles Towne/

Ordrd That m^r Speaker Signe y^e Same/

The Committe Appoynted to Examine into y^e Stores of Amunition and armes & c^{ta} Reports,
That there is in the hands of Alex: Paris Esq 1656 w^t of Powder

and in y^e Hands of Landgrave Smith 650 w^t: more Due to y^e Gunner from Sev^rall about 50 more

In all—2306 w^t more of Gunpowder/

In the fort and in y^e Possession of Peter Painter Gunner vizt,

218 Demi Culverin shott

90 Middle sagar shott

148 Low sagar shott

15 Demy Culvarin high

10 Minion shott

15 Great and small unsorted

496 In all w^{ch}: makes 20 pounds for all the great Guns Except the minions—

Mentioned in y^e Sev^rall forts half moones and &c

28 Great Guns all Ready for service.

47 Granado shells Ready w^h: their fewzes

360 Carteriges Ready Made

4 Powder hornes with Ramers and Spunges

500 w^t: of Tewzer Bulletts In the hands of Thomas Smith Receiver—[I]

That Instead of Cannon basketts It will be better to use halfe Inch Board Casses fild with Marsh or other Ingrediences to sett on the wall—

Neare a Hogshed of Match in the Guners possession/

The House Entring into the Debate of the said Report,

Resolved y^t The Quantity of Powder now in store is Sufficient for this P^rsent Time/

Resolved That the 496: Great Shott now in Store is not Sufficent for the Defence of this Collony./

Ordrd That the Publick Receiver Do buy for the Publick use fower Thousand w^t of sizeable Great Shott for the Great Gunns,

Resolved That the 28 Great Gunns now mounted is not Sufficent for the Defence of the Country

The Question is Whither

There Shall be 25 Great Gunns more

Bought for the Publick Defence of y^e Country

Caried in y^e afirmative

Ordrd: That There be 25 Great Gunns more Bought for the Publick use

Vizt/ { 12 of s^d Gunns of 24 pounders, }
 { 6: of — — 18 Pounders }
 { 7 of — — 12,,Pounders }

Ordrd That there be Procured by y^e first Convenience by y^e Publick Receiver 40 Dozen of Granada shells for the Publick use/

Resolved That 360 Cartridges already made is Sufficient,

Ordrd That Powder Horns: Rammers wires & Spunges be Provided for Each Great Gunn/

Resolved That no further Proviſſion be made for Partridge Shott for y^e Great Gunns,

Resolved That there be Cases made wth Inch Board in the Stead of Cannon Basketts

Ordrd= That The publick Receiver Provid a Sufficent Store of Match for the Great Gunns,

According To the ord^r of the Day

The House Enttring into the further Debate of y^e Report of y^e Committe Appoynted to Consider of ye method of Punishing all persons offending in the millitia in Time of Warr/

Resolved That all persons Refuseing to obey their Superiour officer In time of musters shall be Lyable to a fine,

And all Persons Refuseing to obey their Superiour officers as aforesaid In time of allaram shall be Lyable to Corporall punishm^t/

And Every Person Refuseing to obey their Superio^r- officers as aforesaid in Time of an actuall Invatisation, Shall be subject to y^e Law Martiall

While y^e House was in Debate of y^e aforesaid Report m^r Speaker was Informed y^t there was a message from y^e upper House/

Ordrd= That the same be Rece^d/ and Read which is as followeth

To Rend^r The Watch in Charles Towne more usefull & Effectuall tis Necessary/

That y^e Towne be made a Regular Precinct¹ & Constantly Supplied wth Stocks Whipping Posts and Especially a House

¹“The whole Province shall be divided into Counties each County shall consist of eight Signiories, eight Baronies and four Precincts: each Precinct shall consist of six Colonies, each Signiory, Barony and Colony shall consist of twelve thousand acres y^e. eight Signiorys being y^e. share of y^e. eight Proprietors, and y^e. eight Baronies of y^e. nobility both which shares being each of them one fifth part of y^e. whole are to be perpetually annexed the one to y^e. Proprietors and the other to y^e. Hereditary nobility leaving y^e. Colonies being three fifths amongst y^e. people. that so in setting out and planting y^e. Lands y^e. Ballance of y^e. Government may be preserved”

“In every Presinct there shall be a Court consisting of a Stuard & four Justices of y^e. Precinct being inhabitants and having three hundred

of Correction, which will much Lesson y^e Number of Rogues Vagabonds and other Idle Persons Which in a Great Measure makes a Watch in Peaceable Times Necessary/

That In Time of Profound Peace, Six or Twelve men according To the Circumstance of Time be Hired at A Certaine Price To watch in Charles Towne./

And That Dureing This Present Warr Twenty Good men be hired per Month Att a Certaine Price To watch in Charles Towne,

That Persons Discreete and of Good Interest in Towne be Nominated To Looke After these watches, And that Enough be so named as may make it Easie to them, that the Same men have power to Assess this money on y^e Inhabittants of Charles Town according to the Vallue of their Estates in Charles Towne which will make it Equall or according to y^e Number of Persons They used to find to watch.

That a Certaine fine or Corporall Punishm^t be Inflicted on persons negligent &c^a: And that Persons appoynted to take Care of This watch have power to See y^e Same Executed./ Then the House Entred into further Debate on y^e aforesaid Report/

Resolved That any Person y^t shall be Drunke upon y^e Guard in Time of Allaram, Shall be Subject to a fine, And upon non-payment Shall Suffer Corporall Punishm^t/

Resolved That any person Sleeping on y^e Centinall shall be Lyable To Corporall Punishm^t/

Resolved that any Person Running from his Couloors after advise beeing Given of an Enemys Being Landed or wth=in the barr of any River, shall be Tryed by a Court Martiall/

Resolved y^t any Person Refusing to Carry on Allarams Shall be Lyable To a fine of five Pounds/

A memb^r- of This House haveing Informed y^e House That the Pylotts of this Harbour do neglect Their Duties in the s^d office/ Ordrd that the Messeng^r- of this House summon all & Every

Acres of Freehold within y^e. s^d.- Precinct who shall Judge all Criminall Causes except for Treason Murther or any other offences punishable with death and except all Criminall Causes of y^e. nobility shall judge also all Civill Causes whatsoever & in all personall Actions not exceeding fifty Pound sterling without appeal but where y^e. cause shall exceed y^t. value or concern a paying five pounds starling to y^e. Lord proprietors use shall have liberty to appeal to y^e. County Court"—Fundamental Constitutions of Carolina, third set, July 12, 1682. (See *Records in the British Public Record Office Relating to South Carolina, 1663-1684*, 177, 193-194.)

of the s^d Pylotts to Attend the House Tomorrow Morning./
The House Entring into y^e debate of y^e Message sent from y^e
uper House Relateing To y^e Regulateing The Watch in Charles
Towne/

The Question is Whether This House Doth Concurr wth the said
message

Carried In y^e affirmative

The Question is whether a Cap^t shall be Added To the Twenty
men mentioned in y^e aforesaid message/

Caried In the negative

Resolved That one of the Twenty men be Cap^t of y^e Guard

The Question is Whether the Precincts of the Towne shall be
Limeted to the Grand Platt,

Carried In the Negative,

The Question is whether y^e Precincts of Charles Town shall
Reach as farr as m^r Christopher Smiths and m^r Thomas Per-
rimans Inclusive,

Carried in y^e Affirmative

Ordrd= That Coll^l- Bull m^r John Buckly & W^m: Smith Esq^r
be a Committe To Prepare a Bill to make y^e watch in Charles
Town more usefull and Effectuall, and Lay the Same before
this house on Thursday Next,

According to y^e ord^r of y^e day

The Comittee Apoynted To Draw up an address to the Hono^{ble}-
y^e Governo^r and uper house to Cleare this House from y^e Seem-
ing Imputation this House was Implicitly Charged wth in his
Hono^{rs} Speech, Laid the Same be fore This House/

Ordrd: That the Same be Read.

The Question is Whether the s^d Adress Shall be Presented to
the uper House

Caried in the Affir

=mative

ordrd: That the Clerke Ingroose the Same And Entre the Same
in The Journall of this House/ And that m^r Speaker Signe
the same

Ordrd: That John Ash Nicholas Trott Georg Logan Esq^{rs} &
Doctr: Charles Burnham Do Reade & p^rsent the same to the
upper House/ To morrow morning

The representation & Address of y^e House of Comons

To The Hono^{ble}= James Moore Esq^r. Governo^r and y^e Rest
of y^e Hono^{ble}-: Members of y^e upper House May it Please yo^r-

Hono^{rs}:/ Since none can Lay aside what he never had, wee cannot but thinke our Selves Charged wth haveing persued particular Interests, and haveing had differences amongst us to y^e Delay of y^e Care of y^e Publick wellfare, by yo^r shewing us in yo^r Speech y^t the weightiness of the Present affaires would prevaile wth us to postpone all other things, And to Lay aside all Differences and Perticular Interests, Now this is Such an Imputation as being true would Render us unworthy y^e Least Esteeme, To free our Selves Therefore from it, we think it Proper to Represent the whole matter to yo^r Hono^{rs} at one Vew: Tis True that being by yo^r: Hono^{rs} conven'd on y^e first of aprill Last, the busiest time for the Planter of the whole yeare, Wee Did on aprill y^e 6th adjourne to may y^e 5th= following, But we may Conclude that Small Delay did threaten no Great danger, since it was prolonged by yo^r Hono^{rs} Prorogueing us to may y^e 13th= At which time we mett, And to y^e best of our Power Endeavoured to Dispatch both what yo^r Hono^{rs} had Recomend^d to us & Enquire into y^e Cause of those many Complaynts that Lay before us of y^e Great Infringments made the Last Election on the Peoples liberties in freedome in Elections, a few weekes would have dispatcht these matters of soe Great moment; But we had satt but few dayes But yo^r Hono^{rs}: thought fitt to Prorogue us, and afterwards to Continue that Prorogation to the 19th of this Instant august. Now we hope yo^r Additionall delay will cover our first adjournm^t: And of this Last delay It's plaine we are wholly Cleare, But this Charge is not our Greatest trouble from y^t Speech for that threat (other we Cannot call it) of using martiall Law is a Superlative one Oh how is y^t Sacred word law profaned when Joyned wth Marshall/ Can we Say the ffrench King Rules by Law, who Rules by a Will that hath no Law or bounds Sett to it; What from such Rule we may Expect, aske the french Refuges; English Kings & Governo^{rs}: make us happy in Ruleing by those Laws the People forme; But that this Arbitrary Rule denies; as y^t Great Lawyer noy Shewed; Who when that unhappy Prince Charles y^e first Thought it fitt to be putt in Practise, in Sending an Army against the Scotts, declared the Courts of Westminster must be Shutt when such Rule was Practised. Nay our most arbitrary & unhappy Prince the Late King James never presumed to be so absolute, But proseicuted some he had taken who had deserted in y^e Common Courts of Justice for stealeing his Cloath their

Coats. But what need wee Colour this Pointe; yo^r Hono^{rs}: owne noble Endeavor: to vindicate our Liberties when Governo^r Colleton sett up this arbitrary Rule shews you fully in our Sense, and at the same time y^t: these paragraphs Could not flow from yo^u Excelent Judgm^t: But must have been forced on you by some Rash and Slavish nature, Nor are wee at Loss to Guess y^t mann; for Saturday Last we were Informed that Just before our meeting on y^e 19th Instant, Robert Daniell Esq^r a memb^r- of yo^r Councill, Did Publickly Declare at y^e House of major- Smith, That if the Assembly did not now agree, martiall Law should or would be used, now y^t y^e assembly (considering m^r Speakers Decideing vote) can disagree in Law makeing is An Absurdity that A Councillor cannot Sure be Guilty of, his Sense must be therefore if the assembly will not make such Laws and Grant such powers as you Desire of them, you would Assume all Power. How inconsistant that is wth our Peace and y^e Great Esteeme yo^r- Care and Love of us hitherto shewn hath Raised in us is Plaine.

That therefore this Esteeme of you may not only Continue but be Increased, wee humbly Desire you to Remove from yo^r- Councill as many as you Know are Guilty of haveing Given Such advice./

The House Entring into y^e Debate of y^t part of y^e Governo^{rs} speech Relateing To the Attacqing and Takeing S^t Augustine, Ordrd: That Coll-: Ste: Bull Cap^t James Risbee m^r James Stan- yarne John Ash Esq^r= Cap^t Georg Smith & Doct^{or} Burnham & m^r Serurier Smith be a Committe of this house to meete wth a Comittee of y^e upper House at 5 of y^e clock this after noone if y^e upper house think fitt to Consider of such wayes and methods for the Attacqing & Takeing of S^t= Augustine or any of our Enemies of y^e Crowne of France and Spaine, and to compare the Charges of y^e Same/ And make Report thereof to: morrow Morning,

Ordered That The Debate of Priviledges and Elections be Re- ferred Till Thursday next,

The House Adjourned Till 9
ot'h Clock To morrow Morning

Wednesday, August y^e 26th 1702 The House mett According to Adjournm^t:

According To y^e ord^r of the Day

Ordrd: that y^e persons Appoynted to Read & Present y^e Representation & Address of y^e House of Commons to y^e upper House, do Read & Present y^e Same,

The s^d Members Returned And Report y^t they have Read & Delivered y^e above Representation and Address to y^e uper House/ According to the ord^r of y^e Day The severall Pilotts Attended This House/

The House Entring into y^e Debate of y^e matter Relating to the s^d Pylott neglecting Their duty & for better settleing ye pylottage

Resolved

That there be Two Impowred able Pylotts to officiate as Pylotts, which will be sufficient to discharge the s^d office/

Motion being made by a Member of this House, Since y^e Proclamation or Declaration of Warr made in this Province, In the name of her Majestie Queen Ann, Against y^e Crown of ffrance & Spaine, That the Members of this house ought now to Take the oaths

Ordrd

That y^e Messenger of this House Do Imediately Summon all y^e members that are in towne to Attend the Service of the House

Accordingly the s^d Members Attended y^e- Service of y^e house/ And y^e members following Tooke the oathes according to an Act made in y^e Kingdome of England Entituled An act for abrogateing of the oaths of Supremacy and allegiance, And Apoynting other oaths/

Sworne/

Job How Esq^r Spekr/
 Col^l- Ste: Bull
 Nicholas Trott Esq^r-
 Cap^t Tho: Smith
 D^r Charles Burnham
 W^m- Smith Esq^r-
 major: Benj^a: Wareing
 Cap^t David Davis
 Cap^t John Godfrey
 m^r Serurier Smith
 m^r Henry Wigington
 Cap^t: Georg Smith
 m^r Richard Beresford

Sworne according to y^e forme
 of their Proffession

John Ash Esq^r
 James Stanyarne Esq^r
 m^r Ja: Gilbertson
 m^r Tho: Elliott
 m^r: Tho: Jones
 m^r John Raven

major Cha: Colleton
 major: W^m: Smith
 Cap^t John Guppell
 m^r John Buckly
 Georg Logan Esq^r
 Cap^t W^m Brockhust
 Cap^t Tho: Bowers
 m^r Joseph Ellicott
 James Risbee Esq^r

To the Question what method That is shall be stronger
 Both by sea and Land 300 men, by Land 80—The 300 men to be
 sent in six vessells proper for y^t purpose, besides these, then
 Vessells as many as shall be thought fitt

To the question what the Expençe

	£
The men @ 20 [£] : by two months—	700
Provision	200
Amunition	100
Shiping Saile 10 att @ month 250 [£]	500
Small Armes 100	300

Security against Chanch of warr— 1800

The House Entring into the Debate of y^e s^d Report,
 The Question is Whether there shall be speedy @vission made
 to Attack and Remove the Spanyards from S^t: Augustine,
 Carry'd in ye affermative

Resolved that Speedy Provisiion be made for the Attacking
 and Takeing S^t Augustine./

Ordrd: That Col^l— Bull Cap^t James Risbee m^r James Stanyarne
 John Ash Esq^r Cap^t Georg Smith D^r Charles Burnham & m^r
 Serurier Smith be a Committe of this House to meete wth a
 Committe of y^e uper House as Soone as they thinke fitt To
 Consider of y^e: most Speedy wayes and meanes to Attack S^t
 Augustine, and Compute y^e Charges thereof, And they to meete
 de die en diem Till the matter is Determin'd/

ordrd: That y^e following message be p^rsented to y^e uper House,
 May it Please yo^r. Hono^r,

upon y^e Debate of y^e Report of y^e Committee y^t mett the Com-
 mitte of yo^r House yesterday It is Resolved That Speedy Pro-
 vission be made to Attack and Remove the Spanyards from S^t
 Augustine; Wee therefore Request yo^r Hono^{rs} To meete a Com-

mitte of our House as Soone as yo^u Thinke fitt, to Consider of y^e most Speedy wayes & means to Attack the s^d Place, And Compute the Charges thereof, And they to meete de die in Diem Till the matter is Determined./

Ordrd That m^r Speaker Signe the said message,
And y^t John Ash Esq^r & Doct^r Burnham Present y^e Same to y^e uper House

The House Adjourned Till 9 o^th
Clock To morrow Morning,

Thursday Morning

August y^e 27th: 1702/

The House Mett according To Adjournm^t=

A membr^r: of This House Informeing the House y^t The Resolution of this House yesterday, Relating to y^e attacking of St augustine, hath been Discoursed Publickly¹ And thereby Sever^{ll} of y^e mast^r- of Vessells now in y^e Road are makeing all possible hast to be Gonne, to Prevent their Vessells being Stopt/

Ordrd: That the following message be sent to y^e Governo^r: and uper House/ viz^t/

Viz^t:

May it Please yo^r- Hono^{rs}:

This House Haveing Resolved y^e attacking of St Augustine, of which it is Possible, masters of all Vessells in this Harbour have advice, and may occation their Suddain Departure, Wee therefore Request and advise yo^r- Hono^{rs}: to Lay an Imbargoe on all vessells boats and Cannoes, To Prevent the Enemies Knowledg of our Designe, And to make us more Capable to offend our Enemies & defend o^r:- Selves,/

Ordrd: That John Ash Esq^r & Doct^r: Charles Burnham Do prevent² the s^d message to y^e uper House/ And that m^r Speak^r Signe y^e Same/

motion being made by a Membr^r of this House that one m^r Seares might be Sent for to Attend this House, And Informe them what he Knows of St Augustine & c^{ta}:

Ordrd: That The s^d Seares be sent for to Attend This House, And y^t m^r Speaker Signe An ord^r for That Purpose,
John Ash Esq^r & Doct^r Burnham Reporte yt They have delivered yesterdays message and allso this Days message to y^e uper

¹"in the Streets" stricken out.

²Should have been "present".

house And That y^e uper House tould them they would in a short Time Send An Answ^r To the s^d Messages/

upon y^e Motion of Sever^{ll}- membr^s= of this House that Severall persons Suspected that they will Desert this Govern^t. & Give our Enemies notice of our Present designe ags^t y^e Spanyards may be stopt from Giving notice thereof

Ordrd that y^e following message be sent to y^e Gover and uper House

vizt

May it Please yo^r: Hon^{rs}:

For as much as there are resident in some southward parts of this Province divers ¶sons whome we have very great occasion to suspect will desert this settlement and by their desertion may not only give Advice to y^e french or Spanyard of our present Expedition against St Augustine but also aid and assist them in their defence And we haveing particularly in Suspition Joshua Brinan Dan: Callahan & Charles Morgan. Do therefore request yo^r: Hon^{rs}: y^t y^e fore menconed ¶sons & all other ¶sons whom there may be any occasion to mistrust le sent for forthwith, before yo^r Hon^{rs} & y^t you will be pleased to take such ord^r: with them to p^rvent any their Ill designs.

Ordrd: y^t m^r Speaker Signe y^e Same,

Ordrd That Col^{ll}- Bull & Cap^t Geo: Smith Present the same to the uper House/

Motion being Made by Severall Members of this House y^t: one Ann fferdenando hath Lately been in St Augustine, And It's Possible may Give this House Information of y^e force & fortifications of s^d Place,

Ordrd= That The s^d Ann Ferdinando be sent for to Attend This House on Saturday next And that m^r Speaker Signe an ord^r for the same/

Col^{ll}- Ste Bull & Cap^t Georg Smith Reports that they have Delivered y^e uper House y^e message Sent by them, And y^t y^e Governo^r & uper house tould them they would Consider of s^d message, Ordrd y^t the ffollowing Message be Sent to y^e up^r House

May it Please yo^r- Hono^{rs}, Wee Request yo^r- Hono^{rs}: y^t you would be pleased to Expedite y^e Conferrance Relateing to our Preparations agst St Augustine The Committe of our House Expecting nothing but y^e time yo^r Hono^{rs} Shall appoynt to write them, which y^e Sooner it bee, y^e Sooner this house will have it

before y^m-, being willing to lay all other Buisness aside Till that be Determined,

Ordrd= That m^r Speaker Signe the said message,

And that Nicholas Trott Esq^r and m^r Henry Wigington Present the Same to y^e uper House/

Ordered That The Debate of y^e matter Relating To Priviledges & Elections be Referred Till munday next,

Nicho: Trott Esq^r & m^r Wigington Reports, That have delivered y^r Message, And y^t y^e= Govern^r Told them they were about Appoynting a Committe, according to the s^d Message and y^t they would Send a Message Imediately to this House/

M^r: Speaker being Informed of a Message from y^e uper House by m^r Mossly,

Ordrd y^t y^e Same be Rec^d

Which was Rec^d And Read,

Vizt

M^r Speaker We have Appoynted a Committee of our house to meete yo^r: Committe, To Consider of y^e best wayes and meanes &c^{ta}: to Attack St Augustine in the Councill Chamber at 12 of y^e Clock this day,

Wee have Given necessary Ord^{rs} to Secure Joseph Brinan Daniell Callahan and Charles Morgan, And the Councill hath ordrd that all Vessells be Imbargoed,

Ordrd: That The Committe Appoynted to Super Vise y^e Last Constitutions &c make Their Report To: morrow morning

The House Adjourned Till 9 oth Clock To morrow morning morning,

Fryday Morning y^e 28th August 1702,

The House mett According to adjournm^t=

Read the Petition of Josias Smith Relating to Gitting leave to depart this Port,

Resolved that the s^d Petition be Rejected,

The House Haveing Rec^d Information y^t John Cock Jun^r & Anthony mathews are not Willing to accept y^e Pilotage on y^e Conditions resolv'd by this House

The House Entring Into y^e Debate of y^e s^d matter/

Ordrd: y^t y^e Pilott act now in force, be Read

upon Reading y^e s^d act/

Resolved

That The Pylotage be Left open/

And That a Bill be Prepared for that Purpose yt all pylotts licence'd by ye governr shall be under such Limitations & Restrictions as ye former pylotts & und^r such further Restrictions as Resolved by

And yt George Logan Esq^r. & Capt Georg Smith, the Comittee appoynted to prepare a Bill to Settle y^e Pylotage & Repeale y^e former acts of Pylotage, doe prepare a Bill according to ye Resolution of this House

According to y^e ord^r of y^e House m^r Sears Attended y^e House & Gave them what Information he knew of St Augustine./
The Committee that went to meet wth. y^e. Committee of y^e. upper House do make this following Report.

Vizt that these following Persons are thought fit to be Commanders on the present Expedition/

Co^{ll}— Rob^t Daniell Cheife

L^t: Co^{ll}— Georg Dearsley

maj^r— will Smith

Capt James Risbee

Capt w^m— Davis

Capt Rob^t Daniell

Coll— Stephen Bull Commander of ffifty men and the Indjans To be Raised/

Capt David Davis

Capt John Guppell

or any Such Seaven of those that are willing/

The Numb^r of soldiers in all 350 men, if fall Short of y^t Number, Then to have Power to make up y^e Number Some other way;
The Encouragement to be free Plunder and share of all Slaves,/ That Care be taken about those that shall Enlist & afterwards Abscond Loyter or Desert,

To Consider of y^e Number and Quallity of y^e Vessells fitt for y^e Expedition, And whether Tenn Vessells be nott Necessary That Provisiion be made for Perriaugores and Cannoes by Land thereto appoynted,

That Speedy Care be taken to Secure all y^e amunition & Armes in the Country for y^e Publick

The House Entring into y^e Debate of y^e s^d Report,

The Question is whether Co^{ll}— Rob^t— Daniell is a Proper Person to Go Comand^r in Cheife of our forces To St Augustine
Carried in the Negative/

On y^e further Debate who is a fitt Person to Goe Command^r in Cheife of y^e s^d forces to S^t Augustine/

Resolved that the R^t Hon^{ble}— James Moore Esq^r Governo^r be Addressed by this House, to Goe Commander In Cheife on the s^d Expidition and y^t m^r Henry Wigington Draw y^e same,

The House Entring into further Debate of y^t Report/

Resolved

That no Less Then 350 white menn are thought fitt to Go upon this Expedition/

Ordrd y^t: y^e— Debate of y^e method how to Raise menn, if the s^d numbr of 350 fall Short, Be Referred To Munnday next

Resolved/

That all persons that Goe on this Expedition have an Equall Share of all Plund^r: Taken by them, And that no Command^r, have more then a Common Share/

Resolved/

That any P^{erson} Absconding or deserting after he hath Enlisted him Selfe to Goe on s^d Expedition, be fined in the Sum of Tenn Pounds— And in Case he be not able to Pay the s^d fine to be Sold Serv^t Till the s^d Sum of Tenn Pound be Raised,

Resolved/

That Tenn Vessells at Least are Sufficent for this Expedition, Resolved/

That there be Power in the act for Pressing Shipps, Vessells, Boats, Periaug^{rs}, Canoos amunition and armes, wth Spades, Shovells, and all other habilliments of warr necessary for the s^d Expedition/

Resolved/

That if the money Raised for this Expedition fall Short, that further Care Shall be taken to Raise money to Pay for y^e Charges of the Same,

The Question is whether the Sum of Two Thousand Pounds Shall be Raised To Carry on this Expedition/

Carried In y^e affirmative.

Resolved that the s^d Sum of 2000[£] be Leaveyd on Reall and Personall Estates, and on Places & offices of Trust/

Resolved That a Bill be drawne accordingly And y^t w^m= Smith Esq^r and m^r Henry wigington Do Prepare y^e s^d Bill, and Present the same to this House on munday next,

m^r: Henry Wigington ordered to Draw up an address to y^e governor Presented the s^d Address to this House

Ordrd: That the same be Read,
ordered yt ye s^d address be ingross'd and Entred in the Journall
of this House, and yt M^r Speaker Signe y^e Same,

To y^e Hon^{ble}: Jam: Moore Esq^r: Govern^r: of all yt part of
the Province of Carolina that Lies South & west of Cape Fear

The humble Address of the house of Commons.

May it pleas yo^r hon^r:

Pursuant to our firm & Constant Resolucon of vigorously Car-
rying on our designe against St^t: Augustine we have taken into
our Serious Consideracons the Qualifications absolutely neces-
sary and which are to be Required in a P^{erson} who shall go
Comander in Chiefe over the parties of men who are to be Im-
ployed in the afores^d- Expedicon And haveing tur'd our Eyes
Round about us we can find no P^{erson} so every way Capable as
your Hon^r: If your Hon^r: think fitt to be our Cheife Comander
in this p^{resent} Vndertakeing; Yo^r: Hon^{rs}: Courage Experience
and Conduct, on which in affairs of this Consequence depends
no less than the preservation of this hopeful Colony, Suffitiently
prompts us to address you at this Juncture & being so well as-
sured of the Justice of our Cause, we cannot in the Least doubt
of all Imaginable Success

and for y^e other officers, we leave them to be appointed by
yo^r Hon^r:—

Ordrd: That the Committe, Appoynted to meete wth a Committe
of y^e uper House, Do Present the s^d Address/

Ordrd= That The Committe, Appoynted to Supervise y^e Con-
stitutions, Make Report thereof to To morrow Morning/

The House adjourned Till 9 oth' Clock to morrow Morning

Saturday, August y^e 29th 1702

The House mett according to adjournm^t:

The Messeng^r Informed m^r Speaker of A Message from y^e
Governor- by m^r Mosely

Ord^r: that the s^d Message be Rec^d: & Read

Read the s^d Message, from y^e Hono^{ble} y^e Govern^r- in ans^w^r: to
y^e address Sent his honor yesterday

Ordrd yt y^e s^d Message be Entred in the Journall of this House/
M^r: Speaker & Gent:

I hartily thank you and very much Value my selfe for the
good opinion by yo^r: Adress of yesterday you have been pleased
to lett me know you have of me, but am much troubled that

my Circumstances in the Govern^t: will not ~~ϕ~~mitt me to Comply with you, for on an unquestionable Right of Govern^t: (which in my absence I can see no Certain Rules for) depends the defence & Safety of this Colony as much as on the Success of y^e Expeditions against St: Augustin; Men enough of prudence, Loyalty, Courage, Conduct and Interest offer themselves for this Service And none but such, you may be assured I will intrust in any office, Its: my Right as Comander in Chief; to appoint all Military officers And I have no Reason to doubt but you acquiese in it, Pleas gent to beleive that its no Respect to my ~~ϕ~~son or private Interest but the Insuparable difficultys of the Govern^t: that forces me not to Comply with you. If any ~~ϕ~~son or member of your House Inform'd you that I sent to you the Names of the Officers for the Expedition; That you might approve or disaprove of any of them; They misinformed you; Nor did the Comittee tell me they desired that List of me for that End—

Ja Moore—

The House Entering into the debate of said Message,
The Question is whether the following Question shall be y^e Question/ Carried in y^e negative./

The Question is whether this house Shall address y^e Govern^r to name y^e Command^r in Cheife, in this Expedition, before this house Proceed further in Raiseing money to Carry on y^e Same/

The Question is whether this House shall ~~ϕ~~cied upon y^e Buisness of y^e Expedition against St: augustine Leaveing it to y^e Govern^r. to Name the Commander in Cheife./ Carried in y^e affirmative

John Ash Esq^r: Cap^t Thomas Smith m^r Georg Smith & James Gilbertson

Dissents from y^e fore Goeing Question for These Reasons,
vizt The House yesterday Resolved y^t Col^l— Daniell was not fitt to be Command^r: in Cheife, now Should his honor not wth Standing think fitt to make him So, we shall be oblidged to Go on in the Engauing our money our Lives & Liberties und^r y^e Conduct of a man whome we have thought unfitt therefore, And not only wee but the Last Assembly (for his Insolence and voyolence as they Say) thought unfitt Either to be a Col^l— of a millitia, or to Sitt at the Councill Boards,

Ordrd: That The Committe Apoynted to Supervise y^e— Constitutions, make Report To this House on Munday next. The House adjourned Till Two ot'h Clock in y^e afternoone on Munday next/

Munday August The 31st: 1702/

The House mett According to adjournment.

Ann fferdinando according to order Gave Information to this House of Her Knowledge of S^t: Augustine—

Mr Trott & Mr Wigington ye Committee to Supervise ye Constitutions &c Reports as followeth/

Wee find that our late Sovereign Lord King Charles 2^d, in his Royall Charter, bearing date the 30th— day of June in the 17th: yeare of his Reign, Did Give and grant unto the Hono^{ble}: the Lords Prop^{rs}— of the Province of Carolina Ample Rights, Jurisdictions, Priviledges, Prerogatives, Royalties, Liberties, Imunities and frenchises for the Good and happy Goverment of the Said Province and y^e: people there inhabitting or to inhabitt; and of his Especiall Grace towards y^e. S^d. People in the Said Charter hath made Provision, That the Said Lords Prop^{rs}— have full power and Authoritye to make and Enact and under y^r. hands and Seales to publish any Law & Constitutions whatsoever Either appertaineing to the Publick State of y^e. Said whole Province or to the Privite Utility of particular persons according to their best discretion by and wth— y^e. advice, assent and approbation of y^e. ffreemen of y^e. s^d. Province—

That y^e. Said Originall Charter is y^e. only true Basis from by and according to which other Laws, methods and Rules of Goverment which any wayes Concerne the Peoples Lives and their Liberties, ffreeholds, Goods or Chattles of y^e. Inhabitants of this Province, Ought or Legally can be taken Derived and Enacted.

That the Said Charter particularly and Expressly provids for our Civill Liberties ffreedom in matters of Religion and Conscience is thereby Given to us, by and under the Lords Prop^{rs}. Consent.—

That the Constitutions of which we are to Consider make (and) Sett up an Estate Different and distinguished from the L^{ds}— Prop^{rs}— & the Comons House w^{thout} whose Consent noe Law shall or may be Enacted, which is Called in the Said Constitutions, the Upper House, Consisting of the Landgraves and

Casiques, who being Created by y^r. Lordshipps Letters Pattents, Are alsoe a middle State between the Lords and Comons, which Constitution we Cannot find that it any wayes Contradicts the Said Charter

We find that the 22^d Article in y^e. Constitutions, manifestly Interferes wth— our Jury act, now in fforce

That all other articles in the Constitutions are as neare & agreeable as may be to the Said Charter or at Least, no wayes Repugnant to it/

The House entred into ye debate of ye s^d report & ordered ye Charter to be Read which was Read accordingly

The House ordered ye Last Constitutions sent here by ye proptrs to be Read which were Read accordingly

The Question is Put whether This House is of opinion that the Constitutions Now before us Are valid being Enacted by us Since Severall of the Prop^{rs}— are Dead that Signed the Same.

Carried In The affirmative

Ordered that the Said Constitutions be Read Again And Debated parragrafe by parragrath to morrow morning

Ordered that the debate of Priviledges and Elections be referred till Thursday

Ordered that all Comittees To whome bills were comitted Lay the S^d— bills Before this house to morrow—

The House Adjourned Till Nine of the Clock to morrow morning

Tuesday/ Septembr y^e first 1702/

The House mett according to adjournment

The Comittee Appoynted to Prepare a Bill To Raise y^e Sum of 2000[£] for y^e Expedition agst S^t Augustine Presented The Same to This House And was Read The first Time & Past wth Amendm^{ts}

Ordrd That Cap^t James Risbee & m^r Serurier Smith & maj^r— w^m— Smith Present y^e Same to ye governr & councill

m^r Speaker Informing this House that The R^t Hono^{ble}— The Governo^r: Comanded him to acquaint This House y^t: ye governr to prevent all Jealousy amongst us & since this House so much covetts his presence against s^{nt} augustine has Resolv'd to Head our Forces provided this House will concurr with them so to settle ye govermt y^t there may be noe dispute of ye same in his absence

Ordrd: That The Thanks of this House be Returned his Hono^r: for his advice of his Resolution of his heading our forces against St Augustine, And y^t that House is Ready to Concurr wth his Hono^r. in Settling y^e Governm^t in his Absence,

Ordrd: That an Address be drawn accordingly

And y^t m^r Henry Wigington Draw y^e Same & Present it to this House

m^r Henry Wigington presented y^e s^d adress.

ordrd: y^t y^e same be Read, which was accordingly Read

ordrd y^t the Same be Ingrossed, And that it be Entred in the Journall of this house and that m^r Speaker Signe the Same

Ordrd: that Cap^t Tho: Smith John Ash Georg Logan Serurier Smith Esq^{rs}: & m^r Henry Wigington & m^r Beresford Do Read & Present y^e Same to the Governo^r=

To the Hono^{ble}— James Moore Esq^r— Governo^r— of the Province of Carolina—

The Humble Address of the House of Comons—

May it please yo^r— Hono^r—

How much yo^r— Hono^r— has Revived and Encouraged us.— Vigorously to promote, our present designe ag^t St. Augustine by your generous and noble offer by m^r— Speaker of yo^r— P^{ar}son to Head and Comand our fforces to be Raised for that purpose is a Subject fitter for Contemplation then Discourse, and we the Representatives of the People of this Province doe think itt our bounden duety to Returne you our harty thanks, first, for adviseing us to undertake Soe brave an Enterprize, and next for your mighty Condescention in Comanding in it.

It Is true, when we first addressed yo^r— Hono^{rs}.— to take uppon you to be Comander in cheife in this Expedition we had uncomon ffeares of the Dangers and Hazards you must necessarily encounter withall, and the Safety of your person was not the Least of our Concerne, but when we Reflected, that our probable Success depended uppon your Courage and upon your only Conduct, we were even unwillingly desirous to have you for our Comander—

The Peace and good and happy Government of this Collony at this time, we all greatfully Acknowledge to be Oweing to your prudent managem^t— and Deep Inspection in matters of vast Import and great Consequence, and the Same good administration of Governm^t. may Continue with us dureing yo^r— Hono^{rs}.— absence we Humbly Intreat yo^r— Hono^{rs}.— to take that pru-

dential Care and Regard of us, to leave your Government in Such hands from whome we may expect, as near as may be the Same Good Government, and if to the Settling, Strengthening and Confirmeing Such person or persons who shall Represent you in this Governm^t dureing yo^r- absence, we Can any waies Contribute, we Intreat yo^r- Hono^r. to Communicate to us the waies and methods of doing it, wth- w^{ch}. we Question not Readily to Comply and for yo^r- Hono^{rs}. good and Prosperous Success- in this present undertakeing shall Devotely Pray &ce^a—

Job How Speaker—

y^e Members appoynted to Deliver the s^d Address, to his Hono^r/ Reports,

That they had Delivered y^e Same and that his Hono^r: tould them he would Give them An Answer to Morrow morning According To the order of the Day The Constitutions were Reade—

And the House Entered into the Debate of them parragrafe by Parragrafe

The Question is whether the s^d- Constitutions Shall be ordered a Seccond Reading Caried in y^e Negative

Ordrd That m^r Raven have Leave to Go into y^e Country his wife & Sister being very Sick,

Adjourned till 8 of y^e Clock to Morrow Morn

Tuesday Septembr y^e 2^d 1702/

The House Mett according to Adjournm^t

M^r Speaker being Informed That y^r was a message from y^e Governor & councill by m^r Sec^{ry} allen/

Ordrd: That y^e s^d message be Rec^d=

m^r Secretay allen Presented the Bill to Raise 2000[£] being Read once in y^e upper house

And Allso Informed This House That y^e Govern^r- and Councill Desired m^r Speaker and y^e House to Attend Them as Soon as Possible they Could./

ordered y^t noe Bill sent by this House to y^e governr and councill & by them interlind be Received

Ordrd= That The Committee Appoynted To Prepare a Bill for the Raiseing 2000[£] for y^e Expedition against S^t Augustine, Do Againe Take the s^d Bill, And make Amendm^{ts}: therein And Present the Same to this House To Morrow morning,

The House Adjourned Till 9 o'th Clock To morrow Morning
Thursday The 3^d. of Sept 1702

The House mett according to adjournment

A Message from y^e Governo^r: & Councill by m^r Mosely Dep^{ty}
Sec^{ry}/

in Answer to the address of this House to his Hono^r—: on y^e
first Instant,

ordrd y^t the Same be Rec^d and Read, which accordingly was
Read, and is as followeth,

Mr— Speaker and Gentlemen—

The good opinion you have of my Conduct in the designed
Expedition against St. Augustine Soe much Encourages me, as
that nothing but delay can make me doubt of Success.

Please therefore Gentlemen to Expedite your part, That I
may take Such measures as will best Conduce to dispatch the
time of the Yeare; The Circumstances of the Enemie, and our
owne, Require Expedition; Please therefore to intend this Only
till you have perfected it, next to your Good opinion, dispatch
will Encourage me most; I will to morrow lay before you, the
way, I think Best to Settle y^e. Government till my Returne, &
take your Advice and assistance to doe what you shall advize
to.

James Moore—

Resolved/

That This House will Address y^e Governo^r: and Councill to
Appoynt a Day of Humiliation And Pray^{rs}: Throughout This
Province for y^e Good Success of our forces against St— Augus-
tine,

Resolved that the Debate of Priviledges and Elections Be Re-
ferred till munday next

The Committee appointed to make amendments In the Bill for
Raiseing Two thousand pounds &c^a— p^{rs}ented The Same to y^e.
House.

Ordered that the Said Bill with amendments Be reade which
was Read accordingly.

Ordered that the s^d— Bill be againe Comitted to be Read to
morrow,

Read the first time and past wth— amendm^{ts}— a Bill for Erect-
ing a Generall Post office

The House adjourned till to morrow nine of the Clock

ffryday The 4th— of September 1702/

The House mett according to adjournm^t:

Read the Second time a Bill for Raiseing the Sume of Two Thousand pounds for Carrying on the present Expedition ag^t S^t Augustine and past wth— amendm^{ts}—

The Question is put whether the above mentioned money Bill shall now be Sent to the Gov^r & Councell for their perusall. Carried in The affirmative—

Read a Bill for Erecting a Gener^l— Post office Second time and past wth— amendm^{ts}—

Ordered that Coll Ste: Bull and m^r— Serrurier Smith doe Carrying the following address to the Gov^r— and Councill, And that m^r— Speaker Signes the Same—

To The Hono^{ble}—: James Moore Esq^r—: Govern^r—: and the rest of y^e Hono^{ble}—: y^e Dep^{tys}— assembled in Councill.—

May it please yo^r—: Hono^{rs}—:

Our House haveing Resolved that yett there is noe mediate Estate Constituted Betwixt yo^r—: Hono^{rs}—: and the Rest of the Hono^{ble}— y^e Dep^{tys}— yo^r—: Councillors and us, and this haveing been Publickly Acknowledged by yo^r—: Hono^{rs}—: wee were Surprised at Receiveing a paper from you this Day Entituled a Bill for avoiding Disputes about the Power of the Govern^t. whilst yo^r—: Hono^r—: is heading our forces against S^t: Aug^{stine}— and S^d: to have Been Reade once in the upper House, This as a Bill we Cannot Receive But as advice from Soe Good Councill, gladly & Persuant to it, this House Resolve to Draw up a Bill with all Expedition which we hope To offer to Yo^r—: Hono^{rs}—: to be by yo^r—: consent made an Act, and for Dispatch and to Show how Desireus we are of yo^r: Councill wee have Sent for yo^r—: Perusall our money bill as it hath this Day Passed the Second Reading—

Job How Speaker

Read a Bill for the better Settleing y^e Pylottage The first time and past wth— amendments. and alsoe ordered a Second reading
Read a Declaratory Bill to prevent disputes about the Power of the Govern^t & c^a the first time and past wth— amendments, and ordered a Second Readeing

m^r— John Stanyarne being Indisposed in his health hath Leave to goe home.

The House adjourned till 7 of Clock to morrow morning—
Satterday Sept. y^e. 5th— 1702/

The House mett according to adjournment—

A message from the Governo^r- and Councill by m^r- mossley w^{ch}- is as followeth viz^t—

M^r- Speaker and Gentlemen—

Wee Know not what you mean by your message Yesterday (viz^t.) that you had read more bills, then that you Sent us, that yo^r- Clerke had them, and that if wee had a mind to See them, we might Send to him for them, we Guess it may be that you would Lett us Know, that you are not obleidged to send any bills to us before you have read them three times which we acknowledge to be the Practice of the house of comons in England, butt foresee, If you leave off that practice which we owne hath been So, not of Right butt for Conveniency only, you will Spend much more time then usuall about passing of Bills, and feare they will not be Soe well done, and will not Soe well maintaine that good Understanding between us, w^{ch}- the mutuall and freindly advice by a Concurrent reading and mending of Bills hath done, we therefore hope you will Continue to Send your Bills as you have been used to doe, till you find an Inconveniency in itt

Ja: Moore

The House Entering Into Debate of the S^d- message

The Question is put whether this House shall Send the Bills now before us to the Governo^r- and Councill as formerly

Carried in the affirmative—

Ordered that m^r- Serurier Smith and James Risbee Esq^r- presented to the Governo^r- and Councill those Bills viz^t:

A Bill for Erecting a Generall Post office, an Bill for Settling the Pylottage and a Declaratory Bill for Settling the Government &c^a—

Ordered that the Bill for raiseing y^e. Sume of 2000^l be Engrossed

A Declaratory Bill to prevent disputes about the Power of the Government Read a Second time and past wth- amendments

A Bill for the better Settling The pylottage Read the Second time and past wth- amendments

The House adjourned till munday Two of the Clock In the afternoone—

Septembr the 7th 1702/

Munday In The afternoone/

The House mett according to Adjournmt/

Ordrd: That w^m: Smith Esq^r & m^r Serurier Smith Do Cary y^e Declaratory Bill to prevent disputes about the Power of y^e Governmt: & The Bill for Errecting a Generall Post office to the Governo^r & Councill for a Second Reading

The s^d membrs Reports that they have deliverd y^e s^d Bills/
The Question is whether the acts for Laying an Imposition on Liquors & c^{ta} Imported into and Skins and furs Exported out of this Province shall be Continued,

Carried in y^e affirmative

A Continueing & Reviveing Bill Read the first Time & Past wth amendm^{ts}.

Ordrd/

That m^r Surier Smith & Major Colleton, Do Cary y^e s^d Bill to y^e Governo^r and Councill for y^e first Reading,

And y^e Bill for Pylotage for a second Reading The s^d membrs Reports y^t they have Delivered y^e s^d Bills/

Read

An Act for Raiseing y^e Sum of 2000[£] of & from the real & personall Estates & c^{ta}: of y^e Inhabittants of this Province, on An Expedition agst— St Augustine Read y^e Third Time and Past into a Law/

Ordered/

That Capt James Risbee Do Carry y^e s^d Bill to y^e Governo^r & Councill for their Third Reading/

The s^d Membr Reports that he hath Delivered y^e s^d act,

Read A Bill for y^e more Effectuall Preventing the Seas further Encrochmt: upon y^e wharfe at Charles Town, The first Time & Past wth amendments./

ordrd— That y^e Debate of Priviledges & Elections be Referred Till tomorrow/

The House Adjourned Till 9 ot^h Clock to morrow morning/

Tuesday September 8th— 1702/

The House mett according to adjournment—

M^r-. Secretary allin brought from the Gov^r— and Councill these following Bills viz^t. a Declarotary Bill for Settleing the Governmt. & c^a— a Bill for Settleing the Pylottage, and a Bill for Erecting a Post office, haveing been read a Second time

The aforesaid Bills are ordered to be Engrossed.—

Ordered that Cap^t James Risbe and m^r- Henry wigington doe Carry unto the Governo^r- and Councill a Bill for the more Effectuall Preventing the Seas farther Encrochm^t— upon the wharfe in Charles Towne for y^e: first Reading—

The s^d. members doe Report that they have delivered the s^d- act

A Bill for preventing the Clipping and Coying of our Spanish Silver and Rendering the Same more Current Read the first time and Rejected—

Cap^t John Collings brought from the Governo^r- and Councill a Continueing and Reviveing Bill past the first time—

Read a Continueing and Reviveing Bill a Second time and past wth- amendments.

The question is

whether ye act for encourageing ye killing & destroying of beast of prey &c shall be repealed

carryd in ye affermitive

ordered yt a clause be drawn accordingly

The Question is whether the S^d- Clause shall be added to the Reviveing & Continueing Bill

ordered the s^d- Act be Sent to the Governo^r- and Councill for a Second Reading by Cap^t Thomas Smith and Cap^t w^m- Brok-hurst

A Declaratory act for avoideing Disputes about the Power of the Governm^t. whilst the present Governor- is Heading our forces against St. Augustin Read the Third time and past into a Law.—

Ordered—

That Cap^t James Risbee and m^r- Serrerier Smith Doe Carry the S^d- act to the Governo^r- and Councill for their third Reading—

The S^d- members doe Report that they have delivered S^d- Act—

Ordered that Daniell Callihan have Leave to Depart about his necessarie occasions, without giving any farther attendance upon this House.

Read an act for Erecting a Gen^l-. Post Office The Third time and past into a Law

Ordered that m^r- Serurier Smith Doe Deliver the s^d- Act to the Governo^r- and Councill for their third Reading—

ordrd—

That the Debate of Priviledges and Elections be Referred till Satterday next.—

Uppon motion of Sundry members of this House, That y^e Reasons of Joshua Brinan being Sent for to Charles Towne by Order of the Governo^r— may be Enquired into

Ordered that m^r— Henry Wigington doe Examine into all matters relateing to the Premises and Report thereof Doe make to this House to morrow

The House adjourned till to morrow nine of the Clock in the morning—

Wednesday September 9th— 1702./

The House mett according to adjournem^t.

The House Entering into Debate of the act for Preventing the Seas farther Encrochm^t upon the wharfe of Charles Towne—
The Question is whether a Clause shall be drawne to Repeale the abovesaid act.

Carried in the affirmative

Read the s^d Repealeing Clause the first time and past wth—amendments—

The Question is whether the Said Clause shall be Added to the Continueing Reviveing and Repealeing Bill.

Carried in y^e. affirmative

Ordered that the Continueing Reviveing and Repealeing Bill be Engrossed—

Ordered that Nicho: Trott Esq^r— and Cap^t James Risbee doe attend the Governo^r— and Councill and Request them to Send to this House The Bill for Preventing the Seas farther Encrochm^t upon the wharfe of Charles Towne, now before them—
An act for the Better Settleing of the pylottage Read Three times and passed into a Law.

Ordered that major— w^m— Smith and m^r— Joseph Ellicott doe Carry the Said act to the Governo^r— and Councill for their third Reading

The s^d. members doe Report that they have delivered y^e. s^d. act

m^r— mossley brought from the Governo^r— & Councill a Bill for the more Effectuall Preventing the Seas farther Encroching upon y^e. wharfe of Charles Towne, Read the first time and Rejected.

Ordered that major- Benja: warring and Nicholas Trott Esq^r-. Doe Carry the Clause, for Repealing the act for the Preventing y^e- Seas farther Encrochm^{ts}. upon y^e. wharfe of Charles Towne to the Gov^r- and Councill, for their first Reading.

The s^d- members doe Report that they have delivered the above Clause

The House Entering into Debate of draweing a Bill to pay each member of this House attending Soe much ꝥ day as this House Shall think fitt, out of the publick Treasurye

The Question is whether Such a Bill as aforesaid shall be prepared

Carried in the negative—

Mr- mossley presented the following message to this House from y^e. Gov^r- & Councill

The House Entering into the Debate of the above message

The Question is putt whether the Clause for Repealeing Annulling and Revokeing an act for preventing the Seas farther Encrochm^t uppon the wharfe of Charles Towne, shall be Engrossed in the Countinueing Reviveing and Repealeing Bill

Carried in y^e. negative—

Read the Reviveing Continueing and Repealeing Act The Third time and past into a Law—

Ordered that m^r. Serurier Smith doe deliver the aboves^d- act to the Governo^r- and Councill for a Third Reading—

The s^d- member Reports that he hath delivered the s^d- act—¹

The Question is whether a Clause shall be drawne to give the persons Concerned in Building y^e front Line Twelve moneths more then is Limited in the act for preventing the Seas farther Encrochm^t. upon the wharfe of Charles Towne

Carried in the affirmative

Ordered that a Clause be drawne accordingly—

Read the abovesaid Clause the first time and past wth- amendm^{ts}—

¹The following reply from the Council was evidently presented by Serurier Smith as the original scrap of paper (mutilated) is still lying loose between the leaves of the journal:

Mr Speaker

We Beleive itt highly [break] enient that the Wharf wall be near And [break] Erect uniformly as the pres^t Act directs And Ad[break]ed are willing that one year's time for [break] thereof as by law is Appointed may b[break] to the persons Concern'd more than by the Act is allow'd And shall readily Concur with you to putt a Clause to the Continuing reviving And repealing Bill now before you, for that act

Ordered that m^r- Serurier Smith doe Carry the said Clause to the Governo^r- and Councill for a first Reading

The Said member Reports to this House that he hath deliv^d. s^d- Clause Read y^e s^d Clause y^e 2^d Time & Past,

Ordered that m^r- Henry wigington doe draw an address to the Gov^r- and Councill to appoint a day of Humilliation

According to the order of the Day m^r- Henry wigington doth make the following Report &c^a—

That Joshua Brinan was, the time last before this, Sent for to Charles Town by y^e. Govern^{rs} Order, and after Examination of him made by the Govern^r- & Councell, they thought fitt to Cause him to Enter & he has Enter'd into a certain Obligation wth. two Sufficient Securitys in y^e. Sum of One Hundred pounds Curr^t. money, payable to the Palatine &c^a. or their Receiv^r. for the time being, wth. Condition thereunder written, That the s^d. Joshua shall go to y^e Yamasee's and gett in his Debts, but shall not Trade with y^m, nor go to y^e. Spaniards nor Misbehave himsele dureing y^e. time he remanes amongst the s^d. Yamasees.

The s^d. Joshua Brinan this last time, was Sent for down by y^e. Govern^r, at y^e Request & Instigation of this House upon Information y^t. y^e. s^d. Joshua was a Papist & otherwise Suspected to have a Design of going to St. Augustine but the s^d. Joshua offers, besides the foremention'd Obligation, to take all such reasonable & proper Oaths, w^{ch}. this House thinkes fitt to Tender to him.

Ordrd= The Clause To Give 12 months Longr Time to the persons Conserved in building y^e wharfe Line, (To build y^e Same,) be Ingrossed in y^e Continueing Reviveing & Repealeing act, Ordrd/

That the Messenger of this House Do Summon all y^e Constables of Charles Town, and m^r w^m- Harvey to attend this House to morrow morning, And y^t m^r Speaker Do Repremand y^e said Constables for their Past negligence in not Putting in force y^e negro act as therein they are Required, And Allso Give them Strict orders to performe their Duty Required by y^e said act And Likewise Check y^e s^d Harvey for Suffering Caballs of negroes at his house on y^e Neck Called y^e Rat Trap,

Ordered that m^r- Speaker in behalfe of this House address the Hon^{ble}-. the Gov^r- that their may be a proclamacon Issued out to enforce the act for the better ordering of Slaves to be more punctually observed./

Cap^t w^m— Davis and Cap^t wilkinson Informed this House of a negro man of m^r— John williamson's who is now in Irons at his masters House for threatning that he wth— other negros would Rise and Cutt off the Inhabittants of this Province.—

Ordered that m^r— Henry Wigington and W^m— Smith Esq^r— Doe acquaint the Hono^{ble}—, the Gov^r—, and Councill of the aforesaid Information, and that the s^d. negro and his master and mistress be Sent for by them, or otherwise this House will take Care to Send for them wth— all Expedition

The s^d. members doe Report that they have delivered the S^d— message

The House adjourned till 5 a Clock in the afternoone

The House mett according to adjournm^t in the afternoone—

The House adjourned till to morrow morning 9 of the Clock in the morning

Thursday September 10th— 1702/

The House mett according to adjournm^t—

Read the Clause to give 12 m^o Longer time to the persons Concerned in building the front wall a Third time

Ordered that m^r— Trott and m^r— George Logan doe Carry the Said Clause to the Governo^r— and Councill for their Third Reading

And Acquaint them that this House is Ready for Rattifyeca^{con}—
The s^d members doe Report that they have delivered the S^d— Clause

According to the order of the Day m^r— Speaker Informs this House=viz^t—

That he had adressed the Governo^r— to putt forth a proclamacon to Enforce the better observation of the act for the Better ordering of Slaves, and His Hono^r—. Comanded Him to Informe this House that he would order Proclamacon forthwth— accordingly to be read at the head of every Company at this time for the Beating up for volenteers for this Expedition, and Likewise will grant a Com^{con} to Some Gentlemen in Towne to gett Tenn men to Enlist themselves under his Comand to Ride in and about Charles Towne as a pattroll to Disperse and apprehend all negroes that Shall there associate together and alsoe would order the Same to be Done if possible in every Company and Divission wth—in this Governm^t m^r— mossley acquainted this House that y^e.

Governo^r- and Council was Ready for Rattifycation when they please to attend them— —

According to the Order of the Day m^r- Harvey attended this House, and m^r- Speaker by the order of this House Gave him a Check for Suffering Such Caballs of negros at his Plantation called the Ratt trapp, upon which he promised to take Care for the time to Come. —

According to the order of the Day The Constables of Charles Towne attended this House, And m^r- Speaker gave them Charge to See the act for the better ordering of Slaves Upon the Compl^t. of m^r- James Burt on of the Constables of Charles Towne to this House that Jack Jones a free negro and Rebecka Simons a mallato be taken into the Custody of the s^d- Constable till discharged by Law—

According to the order of the Day m^r- Henry wigington presented the following Adresse to this House for their approbation

Ordered that the s^d- adresse be Read and Engrossed which was done accordingly.

Ordered that m^r- Speaker Signe the Same, and that it be Entred in the Journall of this House which is a followeth,

To the Hono^{ble}. The Governo^r- and the Hono^{ble}. The Dep^{ty}s— —

The Humble address of the House of Comons—

May it please yo^r-. Hono^{rs}-. /

Since it has been the Practice of all Civillized Nations to Implore the blessing of almighty God on all Their most necessarie undertakeings—

We The Comons assembled Think it is as pious as absolutely necessarye that a day of Humilliation may at this time appointed Therefore Humbly Intreat yo^r- Hono^{rs}- that a Solmn day of Humilliation be appointed by yo^r- Hono^{rs}-. to be Kept and observed by all the Inhabittants of this Province before the forces goe forces goe to St Augustine, To Implore the blessing of God in this undertakeing

Ordered that m^r- Speaker the Same to the Gov^r-. & Councill at the Rattifycation of the acts—

Ordered that m^r- Speaker wth- the whole House attend the Governo^r- and Councill with the following Acts for their Rattifycation and that m^r-. Speaker doe first present One Single act w^{ch}- he Shall Think best, And if the Governo^r- & Councill

Doe Refuse to Ratifye the Said Act presented as afores^d— Then
m^r— Speaker wth— the whole House to Returne to this House
wth— all the acts—

An act for Raiseing the Sume of 2000[£] of and from the Real
and personall Estates of the Inhabittants of this Province &c^{et}—
for Carrying on an Expedition ag^t St Augustin

An act for Erecting a Generall Post office.

An act for Settleing The Pylottage—

An Declaratory Act to prevent Disputes about the power of
the Govern^{mt}. while our present Governo^r— is heading our forces
ag^t. St— Augustine &c^{ta}—

A Continueing and Reviveing and Repealeing act

M^r— Speaker and the House Returned wth— the above acts
Ratified by the Governo^r— and Councill.

Read the Petition of Charles morgan for being discharged from
an action brought ag^t him by m^r— Rob^t Seabrooke

Ordered that the S^d— Charles morgan be Discharged from the
arrest of the s^d— Rob^t: Seabrooke, without paying any feese.

And that John Collings marshall Doe Imediately Release him

M^r— Speaker Informed this House of a message from the Gov-
erno^r— and Councill that the white men belonging to the two
Southermost Looke outs are desirous to goe on this present Ex-
pedition ag^t— St Augustine, Butt that his hono^r— was not willing
wth—out the Leave of this House to Lett them Goe

Resolved that they have Leave of this House—

m^r— Edw^d. mossley brought the following message from the
Governo^r— and Councill in answe^r to their addresse—

Att the Councill Board Sep^t. 10, 1702/

M^r. Speaker and Gent^m./

Wee will Issue forth our Proclamation for appointing a Day
of Humiliation in Convenient time as by yo^r. Address you have
desired/

Signed ☞ Order of y^e Councill

Edward Moseley Cler. Con,

A motion being made by a member of this House to address the
Gov^r.— to Give Coll Daniell a Com^{con} under him in this Ex-
pedition.

The Question is whether the following Question shall be Ques-
tion

Carried in the affirmative

The Question is whether this house shall address the Gov-

ernor^r-, if he think fitt to give Coll Rob^t- Daniell a Comission in this Expedition, and to Acquaint the Said Daniell that it is the Desire of this House to accept the Same

Carried in the affirmative

John ash Esq^r- Desents to y^e. above Question for this following Reason

Because Coll Daniell haveing not in the Least cleared Himselfe from the Charge or Information given against him to this House of his haveing publickly s^d we should be governed by martiall-Law, if we agreed not this Session, for w^{ch}- he incurr'd the Displeasure of this House As by their Consequent address may appeare therefore I think this address in his favour inconsistant wth- the Hono^r- of this House

Ordered that an address To the Governo^r- Be Drawne According to the aforesaid Question—

Ordered that the Said address be Read and Engrossed which was done accordingly.—

Ordered that m^r- Speaker Signe the Same, and that it be Entered in the Journall of this House w^{ch}. is as followeth.¹

Uppon Debate of the Report made by m^r- Henry Wigington Relateing to Joshua Brinan

Ordered that the Said Joshua Brinan be discharged from Giving any farther attendance on this House at this time.—

a message from the Govern^r- and Councill by m^r- mossly acquainted this House that the Govern- and Councill was adjourned till 4 of the Clock in the afternoone Desireing this House to attend them at the houre aforesaid

The House adjourned till 4 Clock in y^e afternoone—

The House mett according to adjournm^t

Ordered that Thomas Rose Clerke of this House doe give y^e Constables of Charles Towne Copies of Such acts of assembly as shall have Relation to their Offices—

M^r- Mossly brought a message from the Governo^r and Councill Requesting m^r- Speaker and the whole House to attend them Imediately

Which accordingly they did—

Ordered that Tho: Rose Clerke of this House doe Sign the orders for Sumoning of the assessors^{rs}—

¹No entry was made.

September y^e 10th: 1702/

Ordrd— That there be with all possible Expedition bought for the use of y^e Publick, Six Cyprus Periaugers, fourty foot Long and five foot wide, att Least, with Seaventy Eight pair of oars To be Kept, One in North Edistoh, Two near the head of Stono River. And three Near Charles Towne, for the Carrying of men in Case of an Invasion. And that Coll Tho: Broughton, Cap^t John Godfrey and M^r: Rich- Berresford, or any two of them are Nominated and appointed Comission^{rs} for the building the said Periaugers and Oars, And that they or any two of them have power by an ord^r: under their hands to the Publick Receiver to draw so much money out of the Publick Treasury as will pay for y^e s^d— Periaugers & Oars And that this Ord^r: be Sent to y^e Govern^r: and Councill for their Concurrence And that M^r: Speaker Signe the Same./

Assented to in y^e uper House

Ja: Moore

September y^e 10th: 1702./

Ordrd— That with all Convenient Speed a Brick house at Least Ten foot wide and fiteene foot Long with a brick Chimney be built in Charles Towne att the South Eastermost part of the point of the firme Land on Ashley River for a Guard house, And that Cap^t Nich- Nary and M^r: Benjamin Lambell be Comission^{rs}: To agree with and [word gone] p^{ersons} to build the same And they are hereby Impowered by an Ord^r: under their Hands to y^e Publick Receiver to draw so much Money out of the Publick Treasury as will pay for y^e Same, And that this Order be sent to y^e Govern^r: & Councill for their ConCurrence And that M^r. Speaker Signe the Same

Assented to in y^e Uper House

Ja Moore./

September y^e 10th: 1702/

Ordrd—: That a Sufficient Number of Cases be made of Inch board to be placed on y^e fort wall in y^e Roome of Cannon basketts to defend the soldiers from y^e Enemyes small Armes & that Cap^t: Nich- Nary and M^r: Symon Vallentine or either of them be Comission^{rs}: and have power to hire p^{ersons} to make the said Cases and Cause them to be filled with marsh mud and that they have power by an Ord^r: under their hands to y^e pub-

lick Receiver to draw soe much Money out of the publick Treasury as will pay for them And that this Ord^r: be sent to y^e Govern^r: & Council for their Concurrence And that M^r: Speaker Signe the same./

Assented to in y^e Upper House

Ja: Moore/

September y^e 10th: 1702/

Ordrd—: That Peter Painter Gunner doe forthwith procure good & Sufficient Powder Horns, Wires, Rammers, & Spunges for each & ev^{ry} Great Gun, w^{ch}: s^d— Powder horns, wires, Rammers & spunges shall be paid for out of the Publick Money And that this Ord^r: be sent to y^e Govern^r: & Council for their Concurrence of and that M^r: Speaker Signe the same

Ja: Moore/

September y^e 10th: 1702/

Ordrd—: That Cap^t Thomas Smith Publick Receiver doe pay out of y^e publick money To Thomas Rose Clerke of the House of Comons the sume of Thirty Pounds for Pen, Ink; and Paper and his Attendance on the S^d—: House, Two Meetings past, and this Sessions. And for Entering four Acts in y^e fair books of Perpetuall & Temporary Acts, for two Coppies of the Militia & Negro act for y^e Hon^{ble}: y^e Govern^r: And for Copying and Ingrossing sev^rall Acts this Session and Entering fair the Journalls of the two Last meetings and this Sessions of Assembly And that the Ord^r: be sent to y^e Govern^r & Council for their Concurrence And that M^r: Speaker Signe the same./

Assented to in the Upper House

Ja: Moore/

September y^e 10th: 1702/

Ordrd—: That Cap^t Tho: Smith Publick Receiver doe pay out of the Publick Money to M^r: Edw^d—: Bourne Messenger of this House the Sume of Fifteene pounds for his Personall Attendance on y^e Same Two Meetings past & this Sessions of Assembly And that this Ord^r: be Sent to y^e Govern^r: & Council for their Concurrence And that M^r: Speaker Signe the Same

Assented to in y^e Upper House

Ja Moore/

September y^e 10th: 1702/

Ordrd—: That Cap^t Tho: Smith Publick Receiver doe pay out of the Publick Money To Cap^t John Collins five pounds for Makeing use of his house & And that this Ord^r: be sent to the Govern^r: and Council for their Concurrence And that M^r: Speaker Signe y^e Same

Assented to in y^e Upper House

Ja: Moore/

September y^e 10th: 1702/

Ordrd—: That Cap^t Thomas Smith Publick Receiver doe pay out of the publick Money Unto M^r: John Buckley Comission^r: of y^e Poore, the sune of Sixteene pounds Sixteene shillings & four pence & being the ballance of his accott^s: of disbursements for y^e Poore, And that this Ord^r: be sent to y^e Govern^r: & Council for their Concurrence And that M^r: Speaker Signe the same/

Assented to in y^e Upper House

Ja: Moore/

September y^e 10th: 1702/

Ordrd—: That Cap^t Tho: Smith Publick Receiver doe pay out of y^e Publick Money To Nich— Trott Esq^r: the sune of One pound five Shillings being so much paid by him to Cap^t John Flavell for the freight and other Charges of Sundry Books Given to this Country by D^r: Tho: Bray of London, And that this Ord^r: be sent to y^e Govern^r: and Council for their Concurrence And that M^r: Speaker Signe the Same./

Assented to in y^e Upper House

Ja: Moore/

September y^e 10th: 1702/

Ordrd—: That Cap^t Tho: Smith Publick Receiver doe pay out of the publick Money to Augustin Smith the sune of one pound tenn Shillings for Ringing the Bell for this Last Assembly during this Sessions And that this Ord^r: be sent to the Govern^r: & Council for their Concurrence And that M^r: Speaker Signe the Same/

Assented to in y^e Uper House/

Ja: Moore/

September y^e 10th: 1702/

Ordrd—: That y^e Publick Receiver doe pay to y^e Widd— Bill a Very poore Woman Tenn pounds she haveing Undertaken to bring up till it Comes of Age to Labour for itt^s Liveing, a poore fatherless & Motherless Child And to Tho: Perryman Six pound he haveing Undertaken to bring up till it Comes to Age to Maintaine ittselfe a poore Motherless bastard Child And that this Ord^r: be sent to y^e Govern^r: & Council House of Commons for their Concurrence/

Assented to in y^e Lower House

Ja: Moore/

Job: Hows
Speaker/

September y^e 10th: 1702/

Ordrd—: That the Public Receiver doe pay out of the publick Money to M^r: Thomas Rose Clerke of the House of Comons the Sume of six Royalls for Each and every Act Rattified this Sessions, That he shall fairly Transcribe into the sev^rall Books of acts, One for y^e use of y^e Govern^r: & Council and the other for y^e use of the Comons And that this Ord^r: be Sent to y^e Govern^r: & Council for their Concurrence And that M^r: Speaker Signe the Same

Assented to in y^e upper House

Ja: Moore/

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